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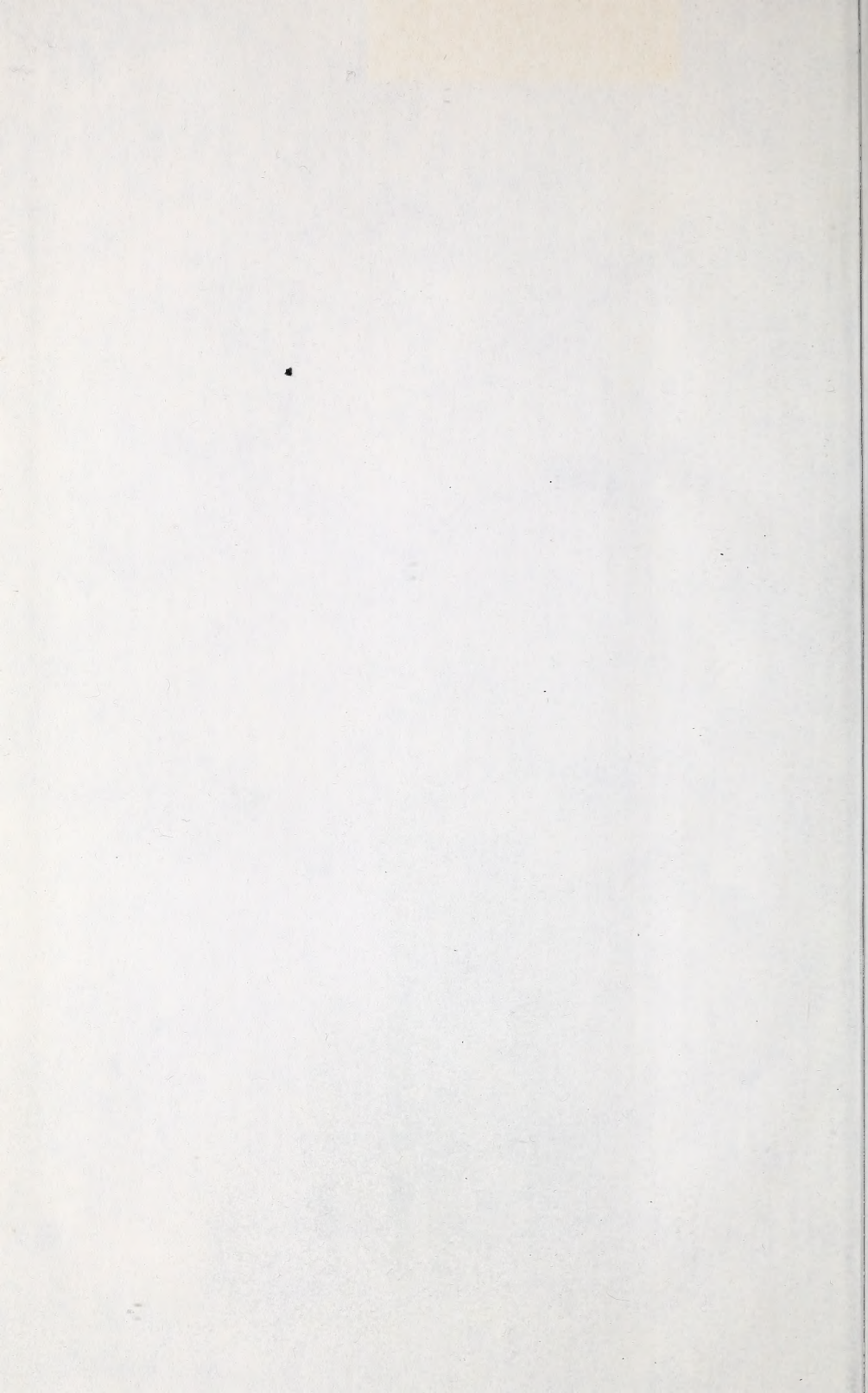
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ANCIENT
FALMOUTH,
FROM 1630 TO 1690.

For Willis' History of Portland
Portland: Loring & Boston.

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N. M. B. Foulmer

The Book

THE

HISTORY OF PORTLAND, *Maine*

FROM ITS

FIRST SETTLEMENT :

WITH

NOTICES OF THE NEIGHBOURING TOWNS,

AND OF THE

CHANGES OF GOVERNMENT IN MAINE.

IN TWO PARTS.

BY WILLIAM WILLIS.

pt. I
PART I.

Portland:

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1831.

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Falmouth originally contained within its limits the present towns of *Falmouth*, *Cape-Elizabeth*, *Portland* and *Westbrook* ; and embraced a number of large and valuable islands lying in *Casco Bay*. It is proposed in the introductory chapter of the following work, to present a cursory view of the settlements made, and attempted to be made, on the coast of Maine, previous to that of *Falmouth*. After which my attention will be more exclusively confined to that town, until *Portland* was separately incorporated ; this latter town will then receive more exclusive notice:

The various changes in the government of the country, especially during the early period of its history, will be briefly alluded to, as they had an immediate influence upon the happiness and prosperity of the inhabitants.

The work will be divided into two parts : the *first* will bring the history down to the close of the 17th century, the *second*, to the present time.

The entire loss of the records in the destruction of the town by the Indians in 1690, has deprived me of many valuable materials for the present work, and rendered my task at the same time more difficult and more unsatisfactory. But this consolation has accompanied me, that whatever facts I could glean from the State and county records and other scattered sources of information, become more valuable and more interesting, by the unfortunate events which have destroyed the more ready and minute aids to historical accuracy.

It is known to most readers, that previous to 1752, the year commenced on the 25th day of March ; consequently the time between the first day of January and that day, was reckoned with the former year, and it was usually expressed by a double date ; an instrument for instance, bearing date January 15, 1640, according to our calendar, would be expressed Jan. 15, 1639—40. Sometimes only 1639. In such cases I have invariably adapted the date to the present mode of computation, so far as regards the year. The day of the month by the new style, may be ascertained by omitting 10 days in the 17th century, 11 in the 18th, and 12 in the 19th. The alteration was made in England by a statute passed in 1751, to take effect January 1, 1752, and which authorised the omission of the 11 intermediate days of the calendar, from the 2d to the 14th day of September of that year.

Obituary

MEMORIAL SERVICE

FRIDAY, SEPTEMBER 11, 1942

Services for the late Mrs. Mary E. Smith, nee Jones, will be held at 2:30 p. m. Friday, September 11, 1942, at the residence of her daughter, Mrs. J. H. Smith, 1234 Main St., N. W., Washington, D. C. The Rev. Dr. J. H. Smith, pastor of the First Baptist Church, will officiate. Burial will be in the Congressional Cemetery.

Mrs. Mary E. Smith was born on January 15, 1875, at Washington, D. C. She was the daughter of Mr. and Mrs. J. H. Jones. She was educated in the public schools of Washington, D. C. and at the University of Maryland. She was a member of the First Baptist Church, Washington, D. C. for many years. She was a devoted mother and a kind friend.

She was married to Mr. J. H. Smith on June 15, 1895. They had three children: Mr. J. H. Smith, Jr., Mrs. J. H. Smith, and Mr. J. H. Smith, III.

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INTRODUCTORY CHAPTER.

A brief account of the various settlements on the coast of Maine, previous to 1632.

IN the beginning of the year 1603, there was not one European family on the whole coast of America, from Florida to Greenland¹. There had been made, previous to this time, three attempts to settle Virginia², and one in 1602 by Gosnold, to plant a colony on the southern coast of Massachusetts; all of which failed. The whole coast of North-America was now open to European enterprize, and although discouragements had hitherto attended the efforts of commercial speculation, yet it was not disheartened. In 1603, new exertions were made, which resulted in bringing the coast of Maine more into notice, and preparing the way for future settlements upon it. On the eighth of November of that year, Henry 4th of France, granted a charter of Acadia and the neighbouring country to De Mont³, extending from 40° to 46° of N. L. De Mont having received a commission as Lt. General of France, the next year fitted out an expedition in company with Champlain and others, with which he sailed along the coast of Maine, formed a temporary settlement at the mouth of the river St. Croix, where his company spent one winter, and then established a colony on the other side of the bay of Funday, at a place which they named *Port Royal*, and now called *Annapolis*. De Mont, in two or three years afterwards withdrew his attention from Acadia and turned his trade to the St. Lawrence. Poutrincourt, one of his companions in the settlement of Port Royal, sent his son Biencourt home in 1608, for supplies of men and provisions for the colony. The Jesuits ever zealous for the propagation of their faith, seized this occasion to send over two of their order, Biard and Masse, to take charge of the spiritual concerns of the new plantation, and probably also to extend their regards to those of the Aborigines. But

¹Prince's N. E. Chro. 1. ²Pr. Intro. 104. ³Haz. 1, 45. This included the whole country from Philadelphia to the St. Lawrence nominally, but never in practise extending west of the Kennebeck river. De Mont took possession of all the territory east of Kennebeck river for the king of France. Sul. Hist. of M. 52, 55.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

IN WHICH ARE CONTAINED THE
MOST IMPORTANT AND INTERESTING
CIRCUMSTANCES OF HIS REIGN
FROM HIS MARRIAGE TO HIS DEATH
IN THE YEAR 1649

BY
JOHN BURNET

LONDON
Printed by J. Sturges, at the Angel in St. Dunstons Church
1724

the priests having assumed to control the civil affairs of the plantation, soon quarrelled with the government, and Biencourt, who, on the return of his father to France, had become the leader of the colony, caused them to remove to an island on the coast of Maine, then called *Mont Mansel*, now *Mount Desert*. Here they planted gardens, laid out grounds and entered on the work of their mission¹. But they were not permitted long to enjoy even this state of seclusion. Disputes had already arisen between the English and French, respecting the boundaries of the grants from their respective governments, which from want of information relating to the situation of the country, run with strange perplexity into one another. The French occupied Port Royal, St. Croix, Mount Desert and the mouth of the Penobscot, and had erected forts at each of those places for their protection². The fort erected by the French on Mount Desert was called *St. Sauveur*³. The disposition of the French to extend their settlements still further west, was viewed with alarm by the government established in Virginia, and in 1613, they sent Capt. Argall to dislodge them. In the summer of this year, he seized the forts at Mount Desert, St. Croix and Port Royal, and carried their ship and pinnace, together with their ordnance, cattle and provision to Jamestown⁴. The French power in this quarter was thus interrupted, and it was a number of years before it recovered from this disaster.

The name of *Acadie* is first given to the territory between 40° and 46° of N. L. in the grant from Henry 4th to De Mont. The origin of the name is lost. Douglass⁵ says it is derived from Arcadia, in Greece. The French in the treaty of St. Germain, call the country *Lacadie*⁶, which Prince Anglicises *Laccady*⁷. The English occupied the country exclusively as far east as the Kennebeck, and the French, except when dispossessed by treaty or actual force, had exclusive occupation as far west as the Penobscot. The country between these two rivers was debateable land, both parties continually claiming it, and each occupying it by intervals. In the commission to the French governour before the treaty of Utrecht in 1713, Acadia is described as extending to the Kennebeck, and the whole was then ceded to the English. But in the construction of that treaty, the French restricted the territory to Nova Scotia⁸. In fact the limits of the province

¹Belkn. Biog. 340. ²Hutch. land titles in Maine p. 2. ³Sul. 156. ⁴Pr. 37. ⁵1. 305. ⁶1 Haz. 319. ⁷2. 78. Some writers have supposed this name to be derived from a tribe of Indians in that territory called the Passamaquoddy or *Passamacadie* tribe. ⁸Hutch. 3. 3.

were extremely indefinite, and the title depended upon possession, which was continually fluctuating.

The colony of De Mont was undoubtedly the first attempt to plant upon the coast of Maine, and continued longer than any other which did not become permanent.

The expedition of De Mont again drew the attention of the English to this side of the Atlantic, and in April 1606, a charter was procured for the large extent of territory lying between the 34th and 44th degrees of N. L. and from the Atlantic to the Pacific ocean. This large tract was divided between two colonies; the first, stretching to the 41° of N. L. was bestowed upon a London company and called South Virginia, the northern part was called North Virginia, and was granted to a company of adventurers in the town of Plymouth. Each colony had a distinct council of 13 appointed by the King for the management of its affairs¹.

Under this charter, the adventurers sent out colonies in 1607. The one from Plymouth destined to the northern shore, consisted of 2 ships and 100 men, under command of Capt. George Popham, as president, and Capt. Rawly Gilbert, as admiral. They sailed from Plymouth on the 31st of May, and arrived at Monhegan upon this coast August 11th, and then continued on to the Kennebeck, where they planted themselves upon an island, in the mouth of that river². Here they built a fort, called St. George, and made preparations for a permanent settlement. But a succession of peculiarly unfavourable circumstances³ terminated the existence and hopes of this colony in one year from its commencement; and at the same time raised prejudices against the northern coast, which checked the spirit of colonization and discovery, and threw back the settlement of the country for a number of years⁴. Smith says that "the country was esteemed as a cold, barren, mountainous, rocky desert;" and Prince adds, that they "branded the country as over cold and not habitable by our natives."

The large preparations that were made, and the circumstances attending this expedition, show, that the design of the adventurers was to establish a permanent settlement. They had their President,

¹ Haz. 50. ²Pr. 2. 21, 254. Smith's N. E. 173. Jocelyn. ³Pr. 2. 25.

⁴The late Gov. Sullivan thinks he found traces of this settlement on Stage Island, as late as 1778; others suppose the settlement to have been made on Parker's Island, forming part of Georgetown.

their Admiral, Master of Ordnance, Sergeant-Major, Marshall, Secretary, Captain of the Fort and Chief Searcher, all of whom constituted the council. But the colony arrived late in the season, and had but little time to make those preparations which were necessary to protect them from the severities of our climate, in an inhospitable wilderness. They had been led to expect from the highly coloured descriptions of previous voyagers, a winter not more unfavourable than those to which they had been accustomed in England, and did not take those precautions which experience would have dictated. We can easily imagine that the hardships which they endured, would have discouraged stouter hearts than even they possessed, inexperienced as they were in the long and severe winters which then visited our northern region.

After the ill success of this undertaking, the patentees turned their attention rather to commercial enterprises than to the forming of settlements ; and some of them individually sent out vessels every year to fish upon the coast, and to trade with the natives. Sir Francis Popham and Sir Ferdinando Gorges were principally engaged in this business.

In the spring of 1614, an expedition was fitted out under command of Capt. John Smith, " to take whales," " and also to make trials of a mine of gold and copper ; if those failed, fish and furs were then their refuge¹." Smith adds, " we found this whale fishing a costly conclusion, we saw many, and spent much time in chasing them, but could not kill any ; they being a kind of *jubartes* and not the whale that yields fins and oil as we expected." They were also disappointed in their mines, and he thinks the representation was rather a device of the master to get a voyage, " than any knowledge he had of any such matter." Leaving his vessels, Smith, with eight men in a boat, ranged the whole coast from Penobscot to Cape Cod : within which bounds he says, he saw at least forty several habitations upon the sea coast, the principal of which was Penobscot. He adds, " westward of *Kennebeke*, is the country of *Aucocisco*, in the bottom of a large deep bay, full of many great Iles, which divides it into many great harbours²." This refers to *Casco* bay, and *Aucocisco*, may be supposed to express the English sound of the aboriginal name of that

¹Smith's N. E. 175. ²ib. 192. The same name is given to this bay by Jocelyn in his voyages, and the natives about it are called the *Aucocisco*, by Gorges in "America painted to the life." p. 43.

extensive and beautiful bay. Smith returned to England, where he arrived the 5th of August, and immediately prepared a map of the country which he had visited, and gave it the name of *New-England*.

The next year (1615) Capt. Smith was again employed by Sir F. Gorges and others to visit New-England, with a view of beginning a settlement there : for this purpose he was furnished with two ships, and a company of 16 men to leave in the country. But he was driven back to port by a violent storm which carried away his masts. On the second attempt, he was captured by the French. It does not appear that this celebrated adventurer ever came to America after 1614 : he published his description of New-England in London in 1616, and died in that city 1631.

Every year after this, vessels were sent to the coast to trade with the natives and to fish ; many of which made profitable voyages. In 1615, Sir Richard Hawkins sailed from England with a commission from the council of Plymouth to do what service he could for them at New-England ; but on arriving here he found a destructive war prevailing among the natives, and he passed along the coast to Virginia¹. In 1616, four ships from Plymouth, and two from London, made successful voyages, and obtained full cargoes of fish, which they carried to England and Spain. Sir F. Gorges also sent out a ship under the charge of *Richard Vines*, who afterwards became conspicuous in the early history of Maine ; he passed the winter at the mouth of Saco river ; from which circumstance, I suppose, was derived the name of *Winter Harbour*², which it still bears.

In 1618, Capt. Edward Rocroft was sent by Gorges in a ship of 200 tons, to fish upon the coast. He captured a French bark lying in one of the harbours, sent her crew in his own ship to England, and retained the bark with a view to winter here. But some of his men conspiring to kill him and run away with his prize, he put them on shore at Sawguatock (Saco) and in December, sailed for Virginia. The men who were thus left, succeeded in getting to Monhegan island, where they spent the winter³, and were relieved in the spring by Capt. Dermer, in another of Gorges' ships.

¹Prince 2. 43. ²Douglass 1. 394, derives the name from Mr. *Winter*, who he says, had a farm there ; but in this fact he is mistaken : *Winter's* farm was at the mouth of the *Spurwink*.

³Pr. 2. 54.

Monhegan was a convenient stage for fishermen, and had become a place of usual resort ; it is therefore probable, that buildings, or temporary shelters had been erected upon it.

In 1620, a new charter was obtained of King James, by the Northern Company, bearing date Nov. 3. It embraced the territory lying between the 40° and 48° of north latitude, including the country from Philadelphia to the Bay of Chaleurs, which empties into the gulf of St. Lawrence¹. The patentees were the Duke of Lenox, the Marquisses of Buckingham and Hamilton, the Earls of Arundel and Warwick, Sir Ferdinando Gorges and 34 others, who were styled the council established at Plymouth, in the county of Devon, for the planting, ruling, ordering and governing of New-England, in America.

Under this patent, were all the grants made, which originally divided the country between the Hudson and the Penobscot rivers ; beyond these bounds the patent of 1620, had no practical operation.

While these patentees were procuring a new charter the more successfully to prosecute their design of private emolument, another company was arising of an entirely different character, who, without concert with the patentees or without their concurrence, and it may even be said without any design of their own, were to give the strongest impulse to the colonization of New-England, and to stamp their peculiar features upon its future destinies.

The English residents at Leyden, had determined to seek security and freedom of worship in the wilderness of America, and in the summer of this year commenced their voyage for the Hudson river. But either by design or accident, they fell short of their destination, and arrived at Cape Cod, on the 10th of November, 1620. In this neighbourhood they resolved to remain, and having selected the spot which they named Plymouth, they established there the first *permanent settlement* that was made in New-England. The French had then a plantation at Port Royal, and the English had settlements at Virginia, Bermuda and Newfoundland. The nearest plantation to them was the one at Port Royal.²

We can merely allude to this interesting company, in the pursuance of our plan to bring into view the different settlements and attempts at settlement upon our coast previous to the one, of which it is our

¹1. Haz. 103. Pr. 2. 70. 94. ²Pr. 2. 94.

purpose particularly to speak. Other hands have done justice to this important event in the history of this country.

On the 10th of Sept. 1621, the northeastern part of the territory included in the charter to the council of Plymouth, was granted by James 1st to Sir Wm. Alexander¹. This was done by the consent of the company, as Gorges in his description of New-England declares². The grant to which the name of Nova-Scotia was given, extended from Cape Sable north to the St. Lawrence, thence by the shore of that river and round by the sea, to the first point; included Cape Breton and all the islands within 6 leagues of the western, northern and eastern parts, and those within 40 leagues south of Cape Sable. Sir Wm. was engaged in this adventure by becoming acquainted with Capt. Mason, who a short time before had returned from Newfoundland.

In 1622 or 23, Sir Wm. Alexander subdued the French inhabitants within his grant, carried them prisoners to Virginia, and planted a colony there himself.³

New-England being now brought into notice by the respectability of the persons who had engaged in its cause, and especially by the profits derived from the fish and fur trade, the intercourse with it was yearly increasing. In 1621, 10 or 12 ships from the west of England, procured full cargoes of fish and fur; in 1622, 35 ships, in 1623, 40 ships, and in 1624, 50 ships were engaged in the same trade⁴. So great seems to have been the excitement in this new channel of speculation, that the Plymouth company found it necessary to procure a proclamation from the king, which bears date Nov. 6, 1622, to prevent "interloping and disorderly trading" upon the coast⁵. It is alleged in the proclamation, that persons without authority committed intolerable abuses there, not only by destroying timber and throwing their ballast into the harbours of the islands, but by selling war-like implements and ammunition to the natives and teaching them their use.

The same year, Aug. 10, the council of Plymouth granted to Sir F. Gorges and Capt. John Mason, two of their company, "all the lands situated between the rivers Merrimack and Sagadahock," extending back to the great lakes, and the river of Canada⁶."

¹Pr. 2. 111. 1 Haz. 134.
1, 3d Ser. Mass. H. Col. 232.
285. Hub. N. E. 614.

²1 Haz. 387.
⁴Pr. 99. 117.

³Jeremiah Dummer's Mem.
⁵1 Haz. 151. ⁶1 Hutch.

In 1623, they sent over David Thompson, Edward and William Hilton and others, who commenced a plantation upon the west side of the Piscataqua river, which was the first settlement in New-Hampshire, and the beginning of the present town of Portsmouth¹. Gorges and Mason continued their joint interest on the Piscataqua, having procured a new patent in 1631, including all their improvements on both sides of the river until 1634, when they made a division of their property²; Mason took the western side of the river, and Gorges the eastern, and they each procured distinct patents for their respective portions, which they afterwards separately pursued.

Gorges did not confine his attention exclusively to Piscataqua, even while he continued a partner in the Laconia patent; for in February 1623, we find that he had already a plantation established upon the island of Monhegan. This was probably for the accommodation of the fishermen; but it had become of sufficient importance to draw thither the persons settled in Massachusetts bay for supplies³. This plantation must have been commenced in 1621 or 1622, and was the *first* which continued for any length of time upon any part of the territory of Maine. Monhegan is a solitary island, about 12 miles S. E. of Pemaquid point, which is the nearest main land. From this island the transition to the main was easy; and from the concourse of vessels to this neighbourhood in the fishing season, it might naturally be expected that here settlements would be early formed. Such appears to have been the fact, and we find that in 1625, a settlement was commenced at New-Harbour, on Pemaquid, which continued to increase without interruption, until the destructive war of 1675.

On the 15th of July 1625, *John Brown*, of New-Harbour, purchased of Capt. *John Somerset* and *Unongoit*, two Indian Sachems, for 50 skins, a tract of land on Pemaquid, extending eight miles by twenty-five, together with Muscongus island⁴. The next year *Abraham Shurt* was sent over by Alderman Aldsworth and Giles Elbridge, merchants of Bristol, as their agent, and was invested with power to purchase Monhegan for them. This island then belonged to Abraham Jennings of Plymouth, of whose agent Shurt purchased

¹Pr. 133. An. of Portsmouth. Mem. 109.

²1 Belk. N. H. App.

³Pr. 127. Morton's

⁴Report of Mass. com. on the Pemaq. title 1811. 107.

it for £50.¹ In 1629, Aldsworth and Elbridge sent over to Shurt a patent from the council of Plymouth, for 12000 acres of land on Pemaquid, bounded north by a line drawn from the head of the Damariscotta to the head of the Muscongus river, and from thence to the sea, including the islands within three leagues of the shore. Here was commenced the *first permanent* settlement on the main land within the territory of this State, by any European power. Thomas Elbridge, the son of Giles, the patentee, came over a few years afterwards and held a court within this patent, to which many of the inhabitants of Monhegan and Damariscove repaired, and made acknowledgment² of submission. This place, from its numerous harbours and islands, possessed many advantages of trade as well as of farming and fishing, and rapidly increased in population and business. An additional grant was made to the same persons in 1632, in which it is recited, that the land is "next adjoining to this place, where the people or servants of said Giles and Robert are now settled, or have inhabited for the space of three years last past."*

¹Shurt was about 44 years old when he came over, and was living in 1662, aged about 80. In 1675, there were no less than 156 families east of Sagadahock, and near 100 fishing vessels owned between Sagadahock and St. Georges' river. Sil. Davis' statement to the council in 1675. ²Ib. Rep. 40.

*Since the above was put to press, I have discovered among a bundle of old papers, just put into my hands, a certificate or declaration of Samuel Welles, of Boston made in 1750, relative to a settlement at Pemaquid two or three years earlier than I have stated in the text. I have introduced this certificate as noticing an important fact, which, it is surprising, has hitherto escaped observation..

"This may certify all concerned, that I have in my hand, a certain patent, signed by the Earl of Warwick, and several other members of the council of Plymouth, in England, dated June 1st, 1621, about three years after the patent, constituting the council of Plymouth for ordering the affairs and settlement of New-England, that is, of land between the 40th and 48th degree of north latitude. The sum and substance of this patent of June 1st 1621, is a grant to one John Pierce, a citizen of London, of liberty to come and settle in New-England, with divers privileges in such place as he or his associates should choose under certain limitations of not interfering with other grants, or settling within ten miles of any other settlement, unless on the opposite side of some great and navigable river, and on return made, to have farther grants or privileges. Now, as I am informed, and hear it is agreed on all hands, Mr. Pierce came over and here he settled, that is, at a place called Broad Bay, and there his posterity continued above one hundred years; some time after the settlement was begun, one Mr. Brown made a purchase of a large tract of land of the natives; and as Mr. Pierce's was the most ancient grant thereabouts, they united the grant from home with the purchase of the natives, and it is said, that the Indians have ever acknowledged the justice of our claims, and never would burn Pierce's house, even though he left it. This patent is the ancientest I ever saw about any part of New-England, except the original grand patent to the council of Plymouth, made as I remember in November, in 1618. This patent is eight years older than that to Bradford and his associates for Plymouth Colony, and nine years older than Massachusetts first charter. I do not think of

In 1626, the government of Plymouth colony established a trading house on Bagaduce Point, at the mouth of the Penobscot, and first give this name to that river. The Indian name was Penobsceag or Penobscook; the French called it Pentaquevette or Pentagoet¹. The Baron de St. Castine, afterward erected his fort upon the scite of the old trading house, and that spot, together with the adjacent territory still perpetuates the name of one of the most persevering enemies that our early colonists had to contend with. In 1632, the French rifled this trading house of property to the value of about £500 sterling.

The same government having obtained a patent on the Kennebec, erected in 1628, a house for trade up the river, and furnished it with corn and other commodities for summer and winter².

About this time, *Thomas Purchase* settled upon land now included within the limits of Brunswick: the precise year in which he went there we cannot ascertain. In a deed to Richard Wharton, July 7, 1684, from *Worumbo* and other sagamores, they confirmed to him "lands conveyed to and possessed by Thomas Purchase, deceased, who came to this country near *three score years ago*"*. Purchase continued to live on the same estate, which he purchased of the Indians, until the first indian war, and is frequently noticed in the affairs of the province. His widow married John Blaney, of Lynn, and was living in 1683; he left three children, Thomas, Jane and Elizabeth³.

In 1628, the Massachusetts company procured a charter from the council of Plymouth, and in June sent over Capt. John Endicott and a few associates to take possession of the grant⁴. They arrived in September at Naumkeag (Salem) and laid the foundation of that respectable town and the colony of Massachusetts.

any thing further material or needful to be said, and the above is the best account my time will now allow me to give.

SAMUEL WELLES.

Boston, 11th September, 1750.

N. B. There are six seals signed by the Duke of Lenox, Duke of Hamilton, Earl Warwick, and some others, whose names I cannot find out.

S. WELLES."

¹ *Sul. Hist. of Maine* 36, 33, and *His. of Pen. Ind.* 9 *Mass. Hist. col.* 209.

² *Pr.* 62, 2d part.

³ *York Rec.*

⁴ *Pr.* 2. 174. 1 *Haz.* 239.

*George Way was associated in the patent with Purchase; the grant, included land lying on both sides of Pejipscoot, on the eastern end of Androscoggin river, on Kennebeck river and Casco bay. Eleazer Way, son and heir of George, conveyed his moiety to R. Wharton 1683. The patent has long been lost, and is only known to have existed by references in early deeds.

Some time in the course of this year, Walter Bagnall, called Great Walt, established himself upon Richmond's* island, within the limits of the ancient town of Falmouth. Winthrop¹, under 1631, says, he lived alone upon the island three years, and had accumulated about £400, mostly in goods, by his trade with the Indians, whom he had much wronged. He and a companion were killed by an Indian sagamore, called Squidrayset, and his company, Oct. 3, 1631, who burnt his house and plundered his property. Bagnall had been a servant to some one in Massachusetts, but when or with whom he came to this country is not known.

Squidrayset, *Squidragusset* or *Scitterygusset*, in each of which modes the name is spelt, was a sachem over a tribe on the Presumpscott river. He subsequently conveyed lands upon the Presumpscott to the English, and a creek near the mouth of that river still bears his name. This occupation by Bagnall is the first attempt to establish a plantation within the limits of Falmouth : and it seems that he had undisturbed possession there until the time he was murdered. In January 1633, an expedition fitted out in Massachusetts to intercept a pirate, who was said to have been hovering about Pemaquid, on their return stopped at Richmond's island, and inflicted summary justice upon Black Will, one of the murderers of Bagnall, by hanging him without the forms of law².

On the 12th of February 1630, the council of Plymouth made two grants on the *Saco* river ; each being four miles upon the sea, and extending eight miles into the country. That upon the *west* side of the river was to *John Oldham* and *Richard Vines*³. Oldham had lived in the country six years, partly within the Plymouth, and partly within the Massachusetts jurisdiction, and Vines had become acquaint-

¹Wint. Jour. 1. 62. Pr. 2d part 36. ²Winth. 1. 99. ³York Rec.

*I am not able to determine whether the original name of this island was *Richman's* or *Richmond*. Winthrop in his first notice of it calls it *Richman's* island. It is afterward in the same work, and by other authors sometimes called *Richman's* and sometimes *Richmond*. In the early records it is often written *Richman's*, it is so written in a deed from Robert Jordan, its owner, to his son John in 1677. On the other hand, it has borne its present name for the last century, and that mode of writing it is met with nearly as often in the previous period. A Mr. John Richmond lived in the neighbourhood in 1636 and some years afterward ; but he does not appear to have had any connection with the island ; and Mr. Trelawny, its owner, had a bark called the *Richmond*, which traded to the island in the year 1639. It may have derived its name from the Duke of Richmond, who was one of the council of Plymouth. The Indian name is entirely lost, it has never been known by any other in our history but one of those before mentioned.

ed with the country by frequent voyages to it, and spending one winter at the place where his patent was situated. It is mentioned in the deed that the patentees had undertaken to transport 50 persons thither within seven years to plant and inhabit there. This condition was undoubtedly complied with, and Vines, who managed the whole concern, immediately took possession of his grant (June 25, 1630) and entered with zeal and ability upon the means of converting it into a source of profit.

The patent upon the *east* side of the river was given to Thomas Lewis and Richard Bonighton, and recites that it was made "in consideration that said Thomas Lewis Gent, hath already been at the charge to transport himself and others to take a view of New-England for the bettering his experience in the advancing of a plantation, and doth now wholly intend by God's assistance, with his associates to plant there," &c¹. The patentees undertook to transport 50 persons there in seven years at their own expense. Livery of seisin was given June 28, 1631, and the proprietors in person successfully prosecuted the interests of their patent. Such were the beginnings of the towns of Biddeford and Saco, and the lands continue to be held under those patents at this day. Oldham never appears to have entered upon his grant²; Vines occupied it 15 years, and sold it in 1645, in which year or early the next, he went to Barbadoes, where he probably died. Lewis died on his estate previous to 1640, without male issue, but Bonighton continued to enjoy his proportion of the patent to a ripe old age, when he was gathered to his fathers, leaving a large estate to his children*.

In 1630, the colony of Plymouth procured a new charter from the council, for a tract of land fifteen miles on each side of Kennebeck river extending as far up as Cobbisecontee. Under this grant, they carried on a trade with the natives upon the river for a number of years, and in 1660, sold the title for £400 st. to Tyng, Brattle, Boies and Winslow.³

The same year, March 13th, the grant to *John Beauchamp*, of London and Thomas Leverett of Boston, in England, was made. If

¹The original patent was accidentally found by Mr. Folsom, when he was collecting materials for his history of Saco, and has been deposited by him in the Archives of the Maine Historical Society. ²Oldham was killed by the Indians off Block island July 20, 1636. 1 Winth. ³1 Haz. 298. Pr. 196. Sul. 303.

*For further particulars relative to these grants and the early history of Saco and Biddeford, we take pleasure to refer to Mr. Folsom's history of those places, in which is collected all the information of value that is to be obtained on the subject.

was 10 leagues square, and was situated between Muscongus and Broad bay and Penobscot bay. Large preparations were immediately made for carrying on trade there, and agents were employed for conducting it¹. This was originally called the Lincoln grant, and afterward the Waldo patent, a large part of it having been held by Brigadier Waldo, to whose heirs it descended. It now forms part of the county of Waldo.

In the course of the same year (1630) the council of Plymouth granted to John Dy and others, forty miles square, lying between Cape Porpus and Cape Elizabeth. This was named the province of *Lygonia*, though commonly known in early times as the *plough* patent². The latter term is supposed to have been applied either from the ship, named the Plough, which brought over the first company, or from the circumstance that the adventurers were generally husbandmen, while the usual employment of others upon the coast was commercial.

The first company arrived at Winter harbour in the summer of 1631, in the ship Plough, but not being satisfied with the appearance of the country and their future prospects, the principal part of them continued on to Boston and Watertown, where they were soon broken up and scattered³. No further effective measures seem to have been taken for the occupation of this grant until 1643, when it fell into the hands of Alexander Rigby, under whom a government was established. This subject will be adverted to hereafter more particularly ; the claim to soil and sovereignty in that province, occupies a considerable space in our affairs, and gave birth to a conflict with Gorges, which was only quieted by a submission of all parties to the jurisdiction of Massachusetts.

This year (1630) *Richard Tucker* established himself at the mouth of Spurwink river, in Cape-Elizabeth, where he was joined the same year by *George Cleeves*, and they unitedly carried on business there between two and three years. In 1632, they were ejected by *John Winter*, who acted as agent for Robert Trelawny and Moses Good-

¹Dougl. 1. 384. Pr. 203. ²Sul. 114, 304, 310. I never have been able to discover this patent, nor ascertain its date, nor who were the patentees. I do not know that there is a copy of it in the country ; the original was sent over to Richard Dummer of Newbury, in 1638, as agent, but was afterward ordered home. Hubbard mentions as patentees, John Dy, Thomas Luke, Grace Harding and John Roach of London. Sullivan says they were John Dye, John Smith, Brian Brinks and others. ³1 Winth. 58.

yeare, of Plymouth, Eng. who had procured a patent of a tract including all Cape-Elizabeth¹. Driven from their residence on the Spurwink, they sought refuge on the north side of Casco or Fore river, and laid the foundation of the first settlement upon the Neck, now *Portland*, in 1632.

The same year a settlement was commenced at Agamenticus, now York, by Edward Godfrey. This was on York river, and probably near the mouth ; the inhabitants subsequently extended up the river for the purpose of erecting mills. Godfrey states in a petition to the General Court of Massachusetts in 1654, " that he had been a well willer, encourager and funderer of this colony of N. E. for 45 years past, and above 32 years an adventurer on that design, 24 years an inhabitant of this place (York,) the first that ever bylt or settled ther." In 1634, he procured of the council of Plymouth, a grant to himself and associates Samuel Maverick, Wm. Hooke and others of 12000 acres of land on the north side of the river Agamenticus². The same year another grant of 12000 acres on the west side of the river was made to Gorges' grandson, Ferdinando.

The next grant we meet with of land upon this coast, was of Black Point, now a part of Scarborough, to Thomas Cammock, dated Nov. 1, 1631. This was by the council of Plymouth, and extended from Black Point river to the Spurwink, and back one mile from the sea. Cammock is said to have been a relative of the Earl of Warwick ; he was one of the company sent to Piscataqua, and was there as early as 1631. Possession of his grant, which included Stratton's islands, lying about a mile from the point, was given to him by Capt. Walter Neale, May 23, 1633³. The patent was confirmed to him by Gorges in 1640 : the same year he gave a deed of it to Henry Jocelyn, to take effect after the death of himself and his wife. He died in the West Indies, in 1643, and Jocelyn immediately entered

¹York Rec. ²Mass. files 1654. Godfrey was for several years an agent of the Laconia company at Piscataqua ; after he established himself in Maine, his activity and intelligence soon brought him into notice. Sir F. Gorges appointed him a counsellor of his province in 1640 ; and in 1642, he was Mayor of *Gorgiana*. He was chosen Governor by the people in the western part of the State in 1649, and was the first in Maine who exercised that office by the election of the people. He is said by a committee on the Mason title in England in 1660, " to have discharged this office with much reputation of integrity and justice." He died about 1661. Winthrop says (1. 137) that Sir F. Gorges and Capt. Mason sent a person in 1634, to Agamenticus and Piscataqua, with two saw-mills to be erected, one at each place. ³York Rec.

upon possession and married Margaret, his widow. The tract is now held under this title by conveyance from Jocelyn to Joshua Scottow, dated July 6, 1666.

December 1, 1631, the council of Plymouth granted to Robert Trelawny and Moses Goodyear, merchants of Plymouth, the tract lying between Cammock's patent "and the bay and river of Casco, and extending northwards into the main lands so far as the limits and bounds of the lands granted to the said Capt. Thomas Cammock, do and ought to extend towards the north¹." This included Cape-Elizabeth, but Winter, the agent of the patentees contended for a larger extent north, than seemed to be within the just construction of the grant. A contest was maintained many years on this subject, and although in practice, the patent never extended north of Fore river, yet the proprietors affirmed that the Presumpscot river was the northern boundary; and this was asserted by the Jordan proprietors, as late as the year 1769, when they became incorporated under the statute. They then described the bounds of the grant to extend from the sea near the east side of Cammock's patent into the country northwesterly 15 miles, and then northeasterly to a river called Casco or Presumpscot river, then down said river to the sea, then along the sea shore to the first mentioned bounds by Cammock's patent. These limits included nearly all of the ancient town of Falmouth and part of Gorham, and are entirely unsupported by any record. One cause of difficulty on this subject arose from an uncertainty as to the true Casco river, which was agreed to be the northern boundary of the patent. One party contended that it was the Presumpscot, and the other with equal obstinacy, that it was Fore river. A decision of the Court in 1640, applied the name to Fore river; but a certificate¹ was soon afterward obtained and transmitted to England, founded as was pretended on the statements of the Indians and ancient settlers, that the Court had made a mistake on the subject, and that the Presumpscot was the true Casco river. This again revived the controversy and kept open a most unhappy quarrel during the lives of the first settlers².

We have now touched briefly upon all the settlements made upon the coast of Maine previous to the year 1632. It will be perceived

¹ York Rec. ²There is a tradition in the Jordan family, that the wife of a son of the first Robert Jordan, needing some paper to keep her pastry from burning, took from a chest of papers, Trelawny's patent, and used it for that purpose, which thus perished, like many other ancient and valuable manuscripts.

that the grants were all obtained from the council of Plymouth, notwithstanding the patent to Gorges and Mason of 1622, which extended from the Merrimack to Sagadahock, and nominally covered the whole territory. From this circumstance, it would be natural to conclude that the patent of 1622 was unexecuted, and that no title passed by it; and it appears by the opinion of Sir Wm. Jones, the Attorney General in 1679, that the "grant was only sealed with the council seal, unwitnessed, no seisin indorsed, nor possession ever given with the grant¹." This idea is corroborated by the facts that Gorges was sitting at the council board, and was a party to all the subsequent conveyances which parcelled out the land within the limits of that patent; and that both he and Mason received a grant with six or seven others in 1631, of a small tract on both sides of the Piscataqua, which included the improvements they had previously made there. If the patent of 1622, were valid, it would have been wholly useless to have procured another within the same limits.

The settlements which commenced at Plymouth in 1620, now dotted the whole coast from Cape Cod to the Bay of Funday; they were indeed few and far between, but an intercourse was kept up among them by their common weakness and wants, as well as for the purposes of trade. And although Massachusetts was the most powerful of the whole, and from motives of religious zeal, no doubt sincere, discountenanced the less strict settlers upon this coast, who on such matters differed from them both in doctrine and practice, she fain would profit by their fish and fur, which enabled her to procure from Europe articles of the first necessity for the infant colony.

John Jocelyn, the traveller, who visited his brother Henry at Black Point in 1638, sailed along the coast from Boston to that place in July: he says "Having refeshed myself for a day or two upon Noddle's island, I crossed the bay in a small boat to Boston, which was then rather a village than a town, there being not above 20 or 30 houses²." "The 12th day of July I took boat for the eastern parts of the country, and arrived at Black Point, in the province of Maine, which is 150 miles from Boston, the 14th day. The country all along as I sailed, being no other than a mere wilderness, here and there by the sea side a few scattered plantations with as few houses³."

¹ Hutch. 285. Hub. 614.

²Jocelyn's voyages 19. ³Ib. 20.

CHAPTER 1.—From 1628 to 1640.

Richmond's island—Spurwink—Dispute between Cleeves and Tucker and John Winter—Trade at Richmond's island—The Neck now Portland first occupied—Grants in other parts of Falmouth—Mitton, Macworth—First Judicial Court for the Province—Settlers in Falmouth in 1640.

THE first occupation of any part of Falmouth, by a European, of which we have any evidence, was of Richmond's island, by Walter Bagnall in 1628. The sole object of this man seems to have been to drive a profitable trade with the Indians by whatever means were in his power. He lived on the island alone, until by his cupidity he had drawn down the vengeance of the natives upon him, and they put an end to his life and his injuries Oct. 3, 1631. He had accumulated a large property for those days, which was scattered by his death¹. His residence promoted the future settlement of the town in no other way than by showing to others that the situation was favourable for the accumulation of wealth, and thus tempting them to engage in the same enterprise.

Richmond's island lies nearly a mile from the southerly side of Cape Elizabeth, is about 3 miles in circumference, and contains about 200 acres of land : the passage may be forded on a sand bar, at low water. Although now it contains but a single family, it formerly afforded employment to a large number of men engaged in the fisheries, and a market for considerable cargoes of foreign merchandize sent every year to this coast. As early as 1637, Richard Gibson, an episcopalian minister was settled upon the island², and it is handed down by tradition with great probability, that a church was formerly established there. Among the items of property in 1648, mentioned in an inventory as belonging to the patentees, which will be more particularly referred to hereafter, are described vessels for the communion service, and the minister's bedding.

Bagnall occupied the island without any title ; but within two months after his death, a grant was made by the council of Plymouth, bearing date December 1, 1631, to Robert Trelawny and Moses Goodyear, merchants, of Plymouth, in England, which included this island and all of the present town of Cape-Elizabeth. The

¹ Winth. £400 st. ² Winth. 66. Y. Rec.

patentees appointed John Winter, who was then in this country their principal agent. A copy of the grant was immediately sent to him, and on the 21st of July 1632, he was put in possession of the tract by Richard Vines of Saco, one of the persons appointed by the grantors for that purpose¹.

There were at that time settled upon the territory near the mouth of the Spurwink river, George Cleeves and Richard Tucker, who had established themselves there in 1630². They had selected one of the most valuable spots in the tract, and claimed to hold against Winter 2000 acres of land, with their improvements, of which however they were forcibly dispossessed. Cleeves in 1640, when regular Courts were established by Sir Ferdinando Gorges, brought an action of trespass against Winter, to recover damages for the removal; and in his declaration he stated his title as follows; "joining himself in partnership with Richard Tucker, then of Spurwink, who had also a right of inheritance there, the which he bought and purchased for a valuable consideration of Richard Bradshaw, who was formerlie settled there by Capt. Walter Neale³, by virtue of a commission to him given by some of the lords patentees, and soe as appeareth the said Richard Tucker was lawfully possessed of a right of inheritance at and in the said Spurwink. Alsoe the plaintiff further declareth that he joining his right by promise and possession, with his partner's right by purchase and possession, and soe being accountable to his said partner, they both agreed to joyne their rights together, and there to build, plante and continue; which when the plaintiff had done and was there settled for *two years* or thereabouts, this defendant, John Winter came and pretended an interest there, by virtue of a succeeding pattent surreptitiouslie obtained and soe by force of arms expelled and thrust away the plaint, from his house, lands and goods."

The verdict in this case was as follows, "the jury find for the plaint. the house and land inclosed, containing foure acres or thereabout, joynig with the said house, and give him eighty pounds for damage, and twelve shillings and six pence for the cost of the Courte." The whole Court, consisting of Thomas Gorges, Henry Jocelyn, Richard

¹Two other persons mentioned, were "Capt. Walter Neale and Henry Jocelyn leiftenant," both of whom lived on the Piscataqua.

²Cleeves v. Winter 1640, Y. Rec. See App. No. 1. ³Walter Neale arrived in this country in the spring of 1630, and returned in the summer of 1633. He came out as Governor of the company at Piscataqua.

Bonighton, Edward Godfrey, and Richard Vines, concurred in rendering judgment, except Vines, who dissented.

This document enables us to fix the time of the settlement of Cleeves and Tucker, upon the Spurwink at 1630, which was probably the first made there; and from the same record, it appears that as early as 1632, they had buildings erected, and had made preparations there for a permanent establishment. The grant to Trelawny and Goodyear defeated their plans and drove them to another spot in Casco bay, within the limits of Falmouth.

Winter now left without interruption, immediately employed himself to bring into action all the resources of the grant. He soon built a ship upon the island, "settled a place for fishing, and improved many servants for fishing and planting¹." In August 1632, the general court of Massachusetts in reference to the murder of Bagnal, speak of a plantation existing there, but notice it in a manner that leads us to infer that it was under no regular government. They say, "²in consideration that further justice ought to be done in this murder, the court order that a boat sufficiently manned be sent with a commission *to deal with the plantation* at the eastward, and to join with such of them as shall be willing thereto for examination of the murder and for apprehending such as shall be guilty thereof, and *to bring the prisoners into the bay.*" Winter was in the country at the date of the grant, for in his defence of the action before referred to, he speaks of the patent having been *sent over* to him; and he had probably made such a representation to the patentees as induced them to procure it. He, as well as Cleeves came from Plymouth, Eng. Bradshaw, of whom Tucker is said to have purchased land at Spurwink, could not have occupied it *previous* to 1630, for he was put into possession of it by Walter Neale, who did not come to the country until the Spring of that year. The probability is, that Bradshaw did not long occupy the land, as we find no other notice of him than appears in Cleeves' declaration.

We may suppose that the plantation referred to in the court's order, was composed of Cleeves, Tucker and Winter, with their servants: we are not able to connect with it at that time any other names. After the ejection of Cleeves and Tucker, in the latter part of 1632, Winter took the entire control of it, and managed it several years for the patentees. In 1634, as early as the first of March,

¹2 Prince 36. ²2 Pr. 39. 65. Col. Rec.

Winthrop says "seventeen fishing ships were come to Richman's island and the Isle of Shoals." The fish were undoubtedly cured on the islands and neighbouring main, and must have afforded employment to a large number of men. Jocelyn in 1638, says that Winter employed 60 men in the fishing business¹. The trade in beaver this year in this neighbourhood was also very successful ; the government of Plymouth colony procured at their trading house on the Kennebeck, 20 hhds. which was sent to England². This was a principal article of commerce in the early settlement of the country ; it was a sort of circulating medium or standard of value among the white people and natives, and remittances to the mother country were made by it. About the year 1640, the price of it in Casco, was from 6 to 8 shillings a pound, and it was received in payment for commodities and labour. Winter in 1640, was complained of for attempting to keep down the price to six shillings³.

In the spring of 1635, a ship of 80 tons and a pinnace of 10 tons arrived at Richmond's island⁴. In 1636, Mr. Trelawny alone is mentioned as proprietor of the patent, and March 26th of that year, he committed the full government of the plantation to Mr. Winter, who appears after that time to have had an interest of one tenth in the speculation ; and in addition to his proportion of the profits, he was to receive from the general fund "forty pounds per annum in money for his personal care and charge⁵." After this time the business of the plantation was pursued with great activity until the death of Trelawny, which took place in 1644. They employed the ship *Agnes*, the bark *Richmond*, the ships *Hercules*, and *Margery* and one other, whose name is not mentioned. In 1638, Mr. Trelawny sent a ship of 300 tons to the island, laden with wine. This was probably the proceeds of a cargo of fish sent to Spain or Portugal. Large quantities of wine and spirits were early sent to this coast, and produced as much wretchedness among those who indulged in them then, as they do at the present day. Jocelyn described their effects from personal observation in lively colours ; he says the money which the fishermen received, did them but little good, for at the end of their voyage "the merchant comes in with a walking tavern, a bark laden with the legitimate blood of the rich grape, which they

¹Joc. 25. ²1 Winth. 138.
Claim Y. Rec.

³Y. Crt. Rec.

⁴Winth. 1. 157.

⁵Jordan's

bring from Phial, Madera and Canaries ;” and after they get a “taster or two,” they will not go to sea again for a whole week, till they get wearied with drinking, “taking ashore two or three hhd. of wine and rum to drink when the merchant is gone.” “They often,” he adds, “have to run in debt for their necessities on account of their lavish expense for drink, and are constrained to mortgage their plantations if they have any, and the merchant when the time is expired is sure to turn them out of house and home, seising their plantations and cattle, poor creatures, to look out for a new habitation in some remote place, where they begin the world again!.” Such is the description which this voyager gives of the early settlers of our State, and it accounts for the fact which would otherwise seem extraordinary, of the shipment of so large a quantity of wine, as is above mentioned, to plantations then in their infancy.

The merchandize sent to the proprietor in England, consisted principally of pipe staves, beaver, fish and oil. In 1639, Winter sent in the bark *Richmond*, six thousand pipe staves, which were valued here at eight pounds eight shillings a thousand. Some shipments were made directly from the plantation to Spain² : and a profitable intercourse seems to have been carried on for the proprietors a number of years, until it was suspended by the death of Trelawny. After that time the want of a capital, probably prevented Winter from employing ships on his own account, and Trelawny’s heir was but a child of six or seven years old. The commercial character of the plantation declined from that time, and the trade gradually sought other channels, until the mouth of the *Spurwink* and *Richmond’s* island became entirely deserted. Their mercantile prosperity are now only to be found among the perishable and almost perished memorials of a by gone age. In 1648, after Winter’s death, the plantation and all its appurtenances were awarded to Robert Jordan, by a decree of the general assembly of Ligonía, to secure the payment of a claim which Winter’s estate had upon the proprietors. Jordan married Winter’s only daughter, and administered upon the estate. He presented his claim to the court of Ligonía, in Sept. 1648, by whom a committee was appointed to examine the accounts and make report of the state of them. This committee went into a minute investigation, and reported in detail ; upon which an

¹Joc. 212. ²Jordan’s claim Y. Rec.

order was passed, authorizing Jordan to retain "all the goods, lands, cattle and chattels belonging to Robert Trelawny, deceased, within this province from this day forward and forever, unless the executors of said Robert Trelawny shall redeem and release them by the consent and allowance of the said Robert Jordan, his heirs¹ &c.

Winter died in 1645, leaving a daughter Sarah, the wife of Robert Jordan. Jocelyn says of Winter, that he was "a grave and discreet man²;" and his management of the plantation proves him to have been an enterprising and intelligent one. He had much difficulty with George Cleeves respecting the right to the soil both on the Spurwink and on the north side of Casco river, which although suspended during the latter part of Winter's life, was revived by his successor. Jordan came over about the year 1640, at least we do not meet with his name before that year, as successor to Richard Gibson, the minister of this and the neighbouring plantations. The precise time of Gibson's arrival cannot be ascertained. We find him here as early as April 1637; he went to Portsmouth in 1640, and was chosen pastor of the episcopal church there; in 1642, he was preaching on the Isles of Shoals, and probably the same year returned home³. Gibson is called a *scholar*, by Winthrop. He made himself obnoxious to the government of Massachusetts by the zeal with which he maintained his religious tenets, and was in some danger of being punished for it; but on making a suitable submission, and "being about to leave the country" he is excused.

Having mentioned some of the most interesting particulars relating to the early settlement of Richmond's island and Spurwink, the spots first occupied within the territory of Falmouth, we return to follow the fortunes of George Cleeves and Richard Tucker.

Driven from the place which they had selected as the most favourable for their purposes, and where they had made improvements and prepared accommodations, their next care was to provide another convenient situation in the wilderness, where they might hope to enjoy without interruption the common bounties of nature. They

¹ See *App. No. 2*, for Jordan's petition and the proceedings thereon. ² Jos. 25. ³ York Rec. An. of Ports. 27. 2 Wint. 66. In 1640, Gibson brought an action in Gorge's Court against John Bonighton of Saco, for slander, in saying of him that he was "a base priest, a base knave, a base fellow," and also for a gross slander upon his wife, and recovered a verdict for "£6 6s. 8d. and cost 12s. 6d. for the use of the court." Y. Rec.

selected the Neck, called Machigonne by the natives, now Portland¹, for their habitation, and erected there in 1632, the *first house*, and probably cut the first tree that was ever felled upon it, by an European hand.

We are induced to fix upon this year as the one in which the first settlement was made upon the Neck, from a number of circumstances which will be briefly adverted to. In Winter's answer to Cleeves' action before noticed, he says that after possession was given to him of the land granted to Trelawny, in July 1632, he warned Cleeves to leave the premises ; and on his refusing to do it, he repaired to Capt. Walter Neale, who required him to yield up the possession ; he then adds, "and *soone after*, the plaintiff left his said possession to the defendant." It is very reasonable to suppose that this application to Neale was the immediate consequence of Cleeves and Tucker's refusal to give up the possession, and that the removal which followed "soon after," was not protracted beyond the year ; at any rate it must have been done before midsummer of the next year, for Neale then returned to Europe.

Again, Cleeves in another action against Winter in 1640, for disturbing his possession on the Neck, has the following declaration, "The plaintiff declareth that he now is and hath been for these *seven years and upwards*, possessed of a tract of land in Casco bay, known first by the name of Machigonne, being a neck of land which was in no man's possession or occupation, and therefore the plaintiff seised on it as his own inheritance by virtue of a royal proclamation of our late sovereign lord King James of blessed memory, by which he freely gave unto every subject of his, which should transport himself over into this country, upon his own charge, for himself and for every person that he should so transport, 150 acres of land ; which proclamation standeth still in force to this day, by which right the plaintiff held and enjoyed it for the space of *four years* together, without molestation, interruption or demand of any ; and at the end of the said first *four years*, the plaintiff desirous to enlarge his limits in a lawful way, addressed himself to Sir Ferdinando Gorges, the proprietor of this Province, and obtained for a sum of money and other considerations a warrantable lease of enlargement, bounded as by

¹This was first called Cleeves' Neck, afterward Munjoy's Neck, by which name it was long known.

relation thereunto had, doth and may appear¹." The lease from Gorges referred to by Cleeves, was dated January 27, 1637, at which time he says he had been in possession of the Neck four years ; this in connection with the possession *upwards* of *seven* years previous to the trial, will carry us back to the latter part of 1632, or the very first of the year following, and leaves no room to doubt that Cleeves and Tucker entered upon the Neck, immediately on being dispossessed of the land on the Spurwink.

That they were the first that settled here, there can be no doubt ; Henry Jocelyn a contemporary of Cleeves, has left his testimony of that fact in the following deposition given before Henry Watts, commissioner, August 18th, 1659." Henry Jocelyn examined, sweareth, that upwards of twenty years, Mr. George Cleeves have been possessed of that tract of land he now liveth on in Casco bay, and was the *first that planted there*, and for the said lands had a grant from Sir Ferdinando Gorges, as Sir Ferdinando acknowledged by his letters, which was in controversy afterwards between Mr. Winter agent for Mr. Robert Trelane of Plymouth, merchant, and the said Cleeves, and they came to a trial by law at a court held at Saco, wherein the said Winter was cast, since which time the said Cleeves hath held the said lands without molestation²."

Cleeves and Tucker erected their house near where the three story house now stands on the corner of Hancock and Fore-Streets, and their corn field extended westerly toward clay cove. This location is fixed by a comparison of several documents ; the first is the conveyance of the same premises by Cleeves to John Phillips in 1659, in which he gives this description, " all that tract, parcel or neck in Casco bay, and now in possession of me the said George Cleeves, on which my now dwelling house standeth by the meets and bounds herein expressed, that is to say, to begin at the point of land commonly called Machagony, and being northeasterly from *my said house*, and so along by the water side from the house south westerly to the south west side of my corn field³." In 1681, Phillip's daughter, Mary Munjoy, claimed the land and the government of Massachusetts awarded it to her by the following description, " the easterly end of said neck of land whereupon her said husband's house formerly stood, bounded by a strait line from the mouth of a *runnet*

¹Y. Rec. Appen. No. III. ²Jocelyn lived at Black Point, to which he came from Piscataqua about 1635. He was at Piscataqua as agent of Mason and Gorges in 1634, and we find him a member of the court at Saco in 1636. ³Y. Rec.

of water on the easterly side, where Mr. Cleeves' house formerly stood, and so on to the old barn on the top of the hill." This "runnet of water" still continues its course, although exceedingly diminished in its size, and discharges itself on the beach as it did two hundred years ago, notwithstanding the numerous and vast changes which have since taken place in the physical as well as the moral features around it. These references and others upon record, which it is unnecessary to cite, clearly designate the spot on which the first settlers of Portland pitched their habitation. The situation had advantages of utility and beauty : it was open to the sea by a small but handsome bay, accessible to fishing boats, and near the islands, while it was protected from the north winds by the hill in the rear of it. Here the first settlers cultivated the soil and pursued their traffic with the natives, for a number of years, holding the land by a mere possessory title. Cleeves and Tucker continued partners for many years, the former seems to have managed the land speculations, while the latter carried on the trade : but the details of their lives at that remote period are almost entirely lost².

¹Y. Rec.

²Occasionally a record is found, which affords a glimpse at their occupations ; a suit was brought in Essex county in 1655, by Conant, and another against Francis Johnson, for a quantity of beaver and otter, received by Johnson in 1634, the parties having previously been in partnership ; the following testimony is found in the case ; Johnson wrote to Richard Foxwell of Blue Point, under date " Salem Feb. 12, 1635," that he had received his letter of Dec. 8, by Mr. *Richard Tucker*, as also beaver and otter, &c. " George Taylor¹ sworn June 18, 1654, saith that about 18 years since, I dwelling with Mr. Cleeves in Casco bay, Mr. Richard Tucker and I was going to Boston ward, and at Sako, we met with Mr. Richard Foxwell, he desired me and Mr. Tucker to carry a great packet of beaver and a great packet of otter for him to Mr. Francis Johnson, which we did deliver to him in the Bay." Richard Tucker's deposition is also preserved in the same case, taken before Edward Rishworth, July 1, 1654, in which he says that " about 18 or 20 years since, Mr. Richard Foxwell delivered me *in my boat*, then bound for the Massachusetts a great fardell of beaver and another of otter, value to the best of my remembrance 70 or £80 sterling."

These facts give some indication of the employment of Tucker, and carry us back to 1634. Tucker continued a partner with Cleeves, in land at least, probably during their lives : we find no division between them, but on the contrary we find, as late as 1662, that his consent was required to a conveyance of land upon the Neck, by Cleeves. He seems not to have taken an active part in the political affairs of the province ; his name seldom occurring in the transactions of the day, while that of his more restless partner is continually presented. In 1653, he was living on Sagamore Creek, in Portsmouth, N. H. His wife's name was Margaret ; she was living a widow at Portsmouth in 1681 ; in which year she made a conveyance to her grandson *Nicholas Hodget*.

¹I know nothing more of George Taylor than that he signed the submission to Massachusetts in 1658, and lived in Scarborough in 1681, aged 70 years.

[†]Registry of deeds, Rockingham Co. N. H. by the favour of Joshua Coffin, an industrious and faithful antiquary.

In 1636, Cleeves went to England and procured of Gorges, who had acquired a title to the province of Maine, then called the Province of New-Somersetshire, a deed to himself and Tucker of a large tract in Falmouth, including the Neck on which they had settled. This deed was dated January 27, 1637, and was in the form of a lease for 2000 years : it conveyed, in consideration of £100 sterling and an annual quit rent, the following described tract, "beginning at the furthestmost point of a neck of land called by the indians Machegonne¹ and now and forever from henceforth to be called or known by the name of Stogummor, and so along the same westerly as it tendeth to the first falls of a little river issuing out of a very small pond, and from thence over land to the falls of Pesumsca, being the first falls in that river upon a strait line, containing by estimation from fall to fall, as aforesaid, near about an English mile, which together with the said Neck of land that the said George Cleeves and the said Richard Tucker have planted for divers years already expired, is estimated in the whole to be 1500 acres or thereabouts, as also one island adjacent to said premises, and now in the tenor and occupation of said George Cleeves and Richard Tucker, commonly called or known by the name of Hogg island." Possession was given by Arthur Macworth by appointment of Gorges to Cleeves and Tucker June 8, 1637.

In 1742, Michael Hodge of Salisbury, Massachusetts, executed a deed to Phineas Jones of 100 acres of land upon the neck, in which Hodge declares that about the year 1662, Richard Tucker sold to one Mr. Cad of Boston, a tract of land on the Neck containing 400 acres, extending from a point of rocks to Clay Cove, reserving 100 acres on the upper part ; and stated that "he is the only representative said Tucker now deceased hath." Tucker probably had a daughter who married a Hodge, from whom Nicholas and Michael descended. Phineas Jones' wife was a Hodge, from Newbury, and it is not improbable that she may have transmitted to her descendants, some of whom still live in town, the blood of one of the first occupants of this soil. The blood of Cleeves flows freely in a numerous race scattered over the State through his only daughter.

¹The point called Machegonne is now called Jordan's point. The appellation Stogummor never obtained in practise. The proprietors were very fond of giving new names to places within their patents, but these seldom prevailed over the more familiar indian titles. The old indian name *Casco* continued to be used all the first century after the settlement, notwithstanding it received from Massachusetts the corporate name Falmouth, as early as 1658. The falls first mentioned in the description are probably those on the Capisick river, but the length of line to those on the Presumpscot is incorrectly stated, whether intentionally or not, I will not pretend to say ; the distance is over four miles. I know of no other falls which will answer the description. The quantity of land also is very much under estimated. In a deed from Alexander Rigby, in 1643, of the same tract, the length of the rear line, and the number of acres are omitted.

Gorges also on the 25th of February 1637, gave Cleeves a commission "under his hand and seal for the letting and settling all or any part of his lands or islands lying between the Cape-Elizabeth and the entrance of Sagadahock river, and so up into the main land sixty miles." By virtue of this commission which is referred to in the deed, Cleeves, on the 28th of December of the same year, leased for sixty years to Michael Mitton, who married his only child Elizabeth, the island at the mouth of the harbour now called Peaks¹. In the deed it is declared that this was called Pond island ; and is subsequently to be known by the name of Michael's island from Mitton ; it was afterwards successively called from the owners or occupants, Munjoy's Palmer's and Peak's island.

This is the first time that the name of Mitton occurs in our history, and it is from thence inferred, that he came over with Cleeves on his last passage. Cleeves arrived in the month of May and brought with him a commission from Gorges to 5 or 6 persons, one of whom was Gov. Winthrop of Mass. to govern his province of New-Somersetshire, between Cape-Elizabeth and Sagadahock, and to oversee his servants and private affairs². This commission was declined by Gov. Winthrop, and does not appear to have been executed by any of the others but Cleeves ; it is probably the one above referred to under which Cleeves alone acted. He also "brought a protection² under the privy signet for searching out the great lake of Iracoyce, and for the sole trade of beaver, and the planting of Long island, by articles of agreement between the Earl of Sterling, Viscount Canada and him³."

These extensive commissions to our first settler, if they resulted in no profit, as they do not appear to have done, show at least that he succeeded in acquiring the confidence of the large landed proprietors in England, and prove him to have been a man of some enterprise and address.

After his lease to Mitton Dec. 28, 1637, we hear nothing more of him until 1640, when he appears as a suiter in court ; there is no doubt, however, that he remained upon his land here, cultivating it and bringing it under settlement. For it appears by his own declaration that from the time of his purchase until the commencement of his suit in 1640, Winter was continually disturbing him ; he says that

¹1. Y. Rec. 140. ²1. Wint. 231. ³Sir Wm. Alexander was created Viscount Canada and Earl of Sterling in 1633.

Winter "being moved with envie and for some other sinister cause, hath now for these *three years past*, and still doth unjustly pretend an interest and thereupon hath and still doth interrupt me to my great hindrance, thereby seeking my ruin and utter overthrow." These actions were brought in Cleeves' name alone, but for what reason, we are not able to ascertain ; the deed from Gorges was made to him and Tucker jointly, and so was the deed of the same tract which he procured of Alexander Rigby, in 1643, after he became the proprietor of the plough patent¹. They were also living together in the same house at this time, as is apparent from the description in Rigby's deed, as follows, "beginning at the said point of land called Machegone², and from thence going westward along the side of Casco bay unto a place where the next river, running near to the now *dwelling-house* of the said *George Cleeves* and *Richard Tucker*, falleth into Casco bay."

While Winter was pursuing his commercial speculations on the Spurwink, and Cleeves and Tucker were enlarging their borders on the north side of Casco river, another settlement was set on foot within the limits of Falmouth, at the mouth of Presumpscot river. The head of this enterprise was Arthur Macworth. He must have commenced his undertaking as early as 1632, for we find by a deed to him from Richard Vines in 1635, that he is described as having been in possession there *many years* ; which could hardly be said of a shorter term than we have supposed. The deed is as follows, leaving out the formal parts : "This Indenture, made March 30, in the eleventh year of Charles I. between Richard Vines of Saco, Gent. for and in behalf of Sir Ferdinando Gorges Knight, by authority from him bearing date Sept. 10, 1634³, on the one part, and Arthur Macworth of Casco bay, Gent. on the other part witnesseth, that said Vines doth give, grant, &c. to said Macworth, all that tract of land lying in Casco bay on the N. E. side of the river Pesumsea, *which now and for many years is and hath been* in possession of said Macworth, being at the entrance of said river, *where his house now*

¹York Rec. 1. 94. ²It will be perceived that this name is spelt differently in almost every deed, the natives probably never reduced it to writing and it was spelt by the Europeans as the sound caught the ear. We find it written Machegony, Machegonny, Machegonne and Machegone. ³This is the only instance in which I find Gorges or any under him exercising any right over the soil in this section of the State until after 1635, when he acquired a separate title from the council of Plymouth.

standeth, upon a point of land commonly called or known by the name of *Menickoe*, and now and forever hereafter to be called and known by the name of *Newton*, and from thence up the said river to the next creek below the first falls, and so over land towards the great bay of Casco, until 500 acres be completed, together with one small island over against and next to his house¹." The deed was witnessed by George Cleeves, Robert Sanky² and Richard Tucker³.

Macworth was one of the most respectable of the early settlers, and is believed to have arrived at Saco, with Vines, in 1630. He probably remained a short time at that place, having received grants of land there. He was appointed by Gorges to deliver possession to Cleeves and Tucker of Casco Neck, in the deed of 1637, and was for many years a magistrate. He married Jane, the widow of Samuel Andrews, a citizen of London, who probably came over in Vines' company, and who died at Saco about 1637, leaving a son James, for many years a respectable inhabitant of Falmouth; by her he had several children. I think he must have been previously married, as he had a house, and was living on the point which bears his name several years before his marriage with Mrs. Andrews. Macworth died in 1657, leaving two sons, Arthur and John, and several daughters who were respectably married and will be hereafter noticed⁴. His sons probably died without issue; for we do not meet with the name after the death of Mrs. Macworth in 1676; they are not noticed in her will, and it is presumed the name is extinct. His descendants through his daughters are numerous, some of whom reside in this vicinity⁵.

¹York Rec. 2. 1. The name Newton, here given to this tract, never prevailed; the point, together with the island, were for many years called *Macworth's point* and island, and was at length corrupted to *Mackey's*, by which they are known at this day. The creek referred to in the deed retains the ancient appellation, *Scuitte-rygusset*, which it received from a Sachem of that name, who lived here in the time of the first settlement.

²Sanky lived at Saco, he was appointed by Gorges in 1640 '*Provost Marshal*,' and was subsequently marshal under Cleeves.

³The Presumpscot river has also been called Presumsca, Presumskeak and Presumskeag. Sullivan supposes the original name to have terminated in *eag*, which in the Indian language signifies land, and which with a prefix of particular signification, forms many aboriginal terms, as Naumkeag, Penobskeag, &c.

⁴The persons employed in constructing the bridge across the mouth of Presumpscott river in 1827, found under the soil on Mackey's point, the bones of several persons. They may be presumed to have been those of the first settlers.

⁵The following testimony relating to Macworth is preserved on York Records. "Aug. 17, 1660, I Robert Jordan, do ascertain on my oath, that I heard Mr.

Macworth continued to live upon his grant on the east side of Presumpscott river until his death ; his widow remained there, with her family, who settled around her, until the breaking out of the indian war in 1675, when she moved to Boston, where she died¹.

We have now noticed the three points within the territory of ancient Falmouth, on which the earliest settlements were made. The settlements were entirely distinct and independent of each other, and continued their existence, we may almost say, in despite of each other. We have seen the origin of the quarrel between Winter on the one hand, and Cleeves and Tucker on the other, to have arisen respecting the right to the land on which the latter had settled. In the first action, the court in 1640, decided in favour of Cleeves, so far as to give him his improvements on the Spurwink, and £80 damages ; but they established the general title in Trelawny, of land south of Casco or Fore river. In the second action, which Cleeves brought against Winter for disturbing him in his possession on the Neck, the court confirmed Cleeves' title. At the same court Winter was presented by the grand jury, consisting of 12 persons of whom were Cleeves, Macworth and Tucker, for irregularity in his dealings. He was charged with keeping down the price of beaver and exacting too much profit upon his liquor and powder and shot. It appeared in evidence that he paid £7 sterling a hhd. for brandy, and sold it at 20 pence a quart, which would be about £33 ster. for a hhd. and powder at three shillings a pound, for which he paid but 20 pence. A detail of this case may be interesting. The return of the grand jury is as follows : " We present John Winter, of Richmond island, for that Thomas Wise, of Casco, hath declared upon his oath, that

Arthur Macworth, on his death-bed declare, that his full will and testament was, that his wife, Mrs. Jane Macworth, should by her wisdom, dispose of his whole estate, equally, as near as might be, between her former husband's children and the children between them, and in case any shortness was on either side, it should rather be on his own children's side ; and further saith not, only the decease of the said Mr. Arthur Macworth was before the submission of these towns of Scarborough and Falmouth to the Massachusetts authority." (in 1658).

¹Her will is dated May 20, 1676, and may be found in Suffolk Prob. office ; she bequeathed " her housing and land at Casco bay, to Wm. Rogers and Abraham Adams, who married her daughters Rebecca and Sarah" ; and her clothing to her four daughters ; one, the wife of Francis Neale, another the wife of George Felt. Rebecca, the wife of Rogers, had been previously married to Nathaniel Wharf as early as 1658, she was the eldest daughter, and had a son Nathaniel by Wharf, born here 1662, who was living in Gloucester, Cape-Ann, in 1734, and some of whose descendants are still living at New-Gloucester, in this neighbourhood.

he paid to John Winter, a noble for a gallon of *aquavitae*¹ about two months since, and that he hath credibly heard it reported that said Winter bought of Mr. George Luxton, when he was last in Casco bay, a hhd. of *aquavitae* for £7 ster. about nine months since. Mr. John Baley hath declared upon his oath, that about eight months since, he bought of Mr. J. Winter, six quarts of *aquavitae* at 20 pence the quart; he further declared he paid him for commodities bought about the same time, about six pounds of beaver at six shillings the lb. which he himself took at 8s. the lb.; John West also declared that he bought of J. Winter a pottle of *aquavitae* at 20 pence the quart, and shot at 4d a lb.—Richard Tucker, one of the great inquest declared that Thomas Wise, of Casco, coming from Richmond island, and having bought of Mr. J. Winter, a flaggott of liquor, *aquavitae*, for which he paid him as he said a noble, asking myself and partner, if we would be pleased to accept a cupp of noble liquor, and how that he saw Mr. Winter pay aboard Mr. Luxton's ship, for a hhd. of the same liquor £7 ster. when he was last in Casco bay. Michael Mitton, upon oath, declares, that he hath bought divers times of Mr. J. Winter, powder and shott, paying him for powder 3s. and for shott 4d. the pound, and likewise for *aquavitae*, 6s. 8d. the gallon. And he further declareth that he hath heard Mr. Richmond declare in the house of Mr. George Cleeves and Richard Tucker, that he sold powder to Mr. Winter for 20d. or 22d the lb. He further declared that he hath heard by the general voice of the inhabitants in those partes grievously complaining of his hard dealing both in his great rates of his commodities and the injury to them in thus bringing down the price of beaver, and that the boats and pinnaces that pass to and from with commodities, that before they come to Richmond Ile, they take beaver at 8s. but afterwards they hold it at the rate of 6s.—George Lewis likewise upon oath declareth that he hath heard and known beaver refused to be taken at 8s. because the parties could not put it away again to Mr. Winter, but at the rates of 6s. and himself likewise, hath refused to work with Mr. Macworth unless he might have beaver at 6s. alleging that he could not put it away again to Mr. Winter, but at that rate.”

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It would seem probable, from the facts in this case, that the only store of goods or place of general traffic in this neighbourhood, was

¹The common name at that time for brandy. A *noble* was about one dollar and forty-five cents of our money.

kept by Winter, on Richmond's island, otherwise, *Mitton*, *Lewis* and *Wise*, who all lived on the north side of Fore river, would hardly have gone there to purchase commodities and exchange beaver. The quarrel which had for some time existed between Winter, and Cleeves and Tucker was now finding vent in the courts, which were this year for the first time established; and it is not difficult to suppose that this complaint against Winter was got up by the Casco interest, by way of revenge for his disturbing the possession of the settlers on this side of the river. That there may not have been some ground for it, we will not pretend to say; it does not however suit the usage of modern times for courts and juries to interfere with the profits a man may put upon his own merchandize¹. This court was held in June, and was the *first general assembly* ever held in the province; at the next term, held in September following, Winter retaliated upon Cleeves by bringing an action of slander against him, in which he declared "that about six years past within this province, the defendant did slander the plf's. wife, in reporting that his wife, who then lived in the town of Plymouth, in old England, was the veriest drunkenest w—— in all that town, with divers other such like scandalous reports, as also that there were not four honest women in all that town." "Mr. Arthur Brown examined, saith he hath heard the defendant say that Mrs. Winter was a drunken woman." This action was continued; and at the next session the parties entered into the following agreement for referring all their controversies; "Saco, June 28, 1641. Whereas divers differences have heretofore been between Mr. George Cleeves and Mr. John Winter, the parties have now agreed to refer themselves to the arbitration of Mr. Robert Jordan, Mr. Arthur Macworth, Mr. Arthur Brown and Richard Ormesby, for the final ending of all controversies, and bind ourselves each to the other in an assumpsit of £1000 sterling, to stand to the award of these arbitrators, and if these arbitrators shall not fully agree, Mr. Batchelder chosen to be an umpire for a final ending of the same." The same day the following award was made: "June 28, '41. An award made between George Cleeves, Gent. and John Winter, made by the arbitrators within named. Whereas

¹James Treworgy was presented at this court "for, being one of the grand inquest, he revealed the secrets of the association to John Winter, and other abuses: he told Mr. Winter that he thought every man might make the most of his commoditie." Treworgy or Trueworthy lived in Saco.

the jury have found £80 st. damage, with four acres of ground, and the house at Spurwink for the plf.—hereunto granted on both parties, that the house and land shall be due unto Mr. Winter, and £60 st. to the plf. presently to be made good. Whereas, there hath been found by the jury in an action of interruption of a title of land for the plf. the same I ratify : whereas also, there is a scandal objected by Mr. Winter against Mr. Cleeves from words of defamation, it is ordered of said Mr. Cleeves, shall christainly acknowledge his failing therein against Mr. Winter his wife for present before the arbitrators, and afterwards to Mrs. Winter. Stephen Batchelder. Agitated by us, Robert Jordan, Richard Ormesby, Arthur Macworth, Arthur Brown¹."

This award probably had the effect of suspending hostilities ; but after Winter's death, the controversy for the title on the north of Fore river, was revived and strenuously maintained by Robert Jordan. At the same court, Edward Godfrey of Agamenticus, had an action against George Cleeves for £20, " which said Godfrey demands by virtue of an order from the High Court of Starr Chamber, for costs in that court by a special writ¹."

The foregoing records present us the names of two persons who then appear for the first time in our history, Thomas Wise and George Lewis. When they came here or where from, we cannot ascertain. George Lewis, of Scituate, in Massachusetts, had a son George, who is conjectured to be the person here mentioned. Lewis, previous to 1640, had received a grant of 50 acres of land, at Back-Cove, from Cleeves and Tucker, upon which he lived ; in 1657, he received an additional grant of 50 acres, and his son John one of 100 acres adjoining ; this land of the father was near the point where Tukey's bridge ends. Here George Lewis lived and died. On the 29th of Sept. 1640, Cleeves and Tucker conveyed to Thomas Wise and Hugh Mosier, 200 acres of land, " beginning at a little plot of marsh, west side, to the north east of their *now dwelling house*, and next adjoining land of widow *Hatwell*, thence along the water side until they come to the western side of the marsh, and so far as the well in the creek by *George Lewis's*, and thence to run north west into the woods." We have no previous notice of widow Hatwell or Atwell,

¹Y. Rec. Stephen Batchelder, the umpire, is probably the same person who had been minister at Lynn, and afterwards at Hampton, of whom an account may be found in Lewis's history of Lynn.

but from subsequent facts, we learn that her land was upon Martin's point, and that she afterwards married Richard Martin, whose name the point received and still bears. The grants here referred to, were probably the earliest made at back cove, at least we find none earlier, and the whole margin of the cove is subsequently covered by later conveyances from the two first proprietors. Wise and Mosier continued a few years upon their grant; Mosier¹ left it first and went further down the bay, where he died, leaving two sons James and John. James administered upon the estate in 1666. The two brothers occupied two islands, now in Freeport, called great and little Mosier's, but since, by corruption, the Moges. Wise was an early inhabitant of Saco, from which he came to this place, he also moved lower down the bay, and sold his land to Nathaniel Wallis, in 1658.

We are thus able to show upon indisputable authority, that as early as 1640, there were at least *nine families* in Falmouth, viz. Atwell, Cleeves, Lewis, Macworth, Mitton, Mosier, Tucker, Winter and Wise, of whom four were settled at back cove, three upon the Neck, one east of Presumpscot river, and the other on Richmond's island; in addition to which, were Mr. Jordan, who, we suppose, was not yet married to Winter's daughter, and the numerous persons employed by Winter in his business, beside the persons employed by the other settlers: the whole population at that time cannot be precisely ascertained.

Before quitting this period, we may be permitted to introduce an anecdote from Jocelyn, whose book is now rarely to be found, to illustrate the manners of the early settlers. "At this time," he says, June 26, 1639, "we had some neighbouring gentlemen in our house", who came to welcome me into the country, where amongst variety of discourse, they told me of a young lion not long before killed at Piscataqua by an indian; of a sea serpent or snake², that lay coiled up like a cable upon a rock at Cape Ann; a boat passing by, with

¹Hugh Mosier is conjectured to be the first of the name who came to this country, and the ancestor of all of that name in this State. They subsequently settled in Gorham, and were among the first settlers of that town.

²His brother Henry's at Black Point. Jocelyn left England in April, 1638, and returned in Sept. 1639. He was at Black Point with his brother from July 14, 1638 to Sept 23, 1639. He commenced his 2d voyage in 1663.

³This story of the snake will give courage to the believers in the sea serpent, he was probably the ancestor of the late visitor.

English aboard and two Indians, they would have shot the serpent, but the Indians dissuaded them, saying, that if he were not killed outright, they would all be in danger of their lives. One Mr. *Mitton* related of a triton or mereman, which he saw in Casco bay, the gentleman was a great fowler, and used to go out with a small boat or canoe, and fetching a compass about a small island, there being many islands in the bay, for the advantage of a shot, he encountered with a triton, who laying his hands upon the side of the canoe, had one of them chopt off with a hatchet by Mr. *Mitton*, which was in all respects like the hand of a man ; the triton presently sunk, dyeing the water with his purple blood, and was no more seen¹." He adds, " Sept. 23, I left Black Point and came to Richmond island, about three leagues to the eastward, where Mr. *Trelane* kept a fishing : Mr. *John Winter*, a grave and discreet man was his agent, and employed 60 men upon that design. Monday 24, I went aboard the Fellowship of 170 tons, a Flemish bottom : several of my friends came to bid me farewell, among the rest Capt. *Thomas Wannerton*², who drank to me a pint of kill-devil *alias* rum at a draught ; at 6 o'clock in the morning, we set sail for Massachusetts."

CHAPTER 2.

The political affairs of the Province, from the great patent 1620, to the submission to the jurisdiction of Massachusetts, in 1658.

THE patent granted by James I. to the " council for the affairs of New-England," Nov. 3, 1620, was the civil basis of the subsequent patents which divided the country. This patent contained powers of government to the council and their successors ; but it soon became a question whether the council could with a conveyance of any portion of territory within their limits, transfer a right of government³.

¹Joc. 23. ²Wannerton was one of the agents of the Laconia company at Piscataqua ; he was killed in an attack upon D'Aulney's fort at Penobscot in 1644.
³Wint. 177.

³1 Haz. 103.

This point it is believed was never directly decided, although it may be inferred from the practice of some of the patentees, that the general impression was adverse to this power. The Massachusetts patentees¹ and Sir Ferdinando Gorges², each procured a confirmation of their grants from the king, with power to govern their respective provinces. With regard to Mason's grant of New-Hampshire, which was not confirmed by the king, the two chief justices of England agreed, that it conveyed no right of sovereignty ; " the great council of Plymouth under whom he claimed, having no power to transfer government to any³."

The council of Plymouth continued their operations until June 7, 1635, when they surrendered their charter to the king. During their existence as a corporation, a period of 14 years and 7 months, they were not inactive. In 1621, they relinquished a large proportion of their patent in favour of Sir Wm. Alexander, and assented to a conveyance by the king to him of all the territory lying east of the river St. Croix and south of the St. Lawrence, embracing the provinces of Nova Scotia and New Brunswick. The grants made by the council within the present limits of Maine, were as follows :

- 1st. 1622, Aug. 10. To Sir Ferdinando Gorges and Capt. John Mason, from Merrimack to the Kennebeck river⁴.
2. 1626, Nov. 6. To the Plymouth adventurers a tract on Kennebeck river ; which was enlarged in 1628⁵.
3. 1630, Jan. 13. To Wm. Bradford and his associates, 15 miles on each side of the Kennebeck river, extending up to Cobbisecotee ; this grant Bradford transferred to the Plymouth adventurers⁶.
4. 1630, Feb. 12. To John Oldham and Richard Vines, 4 miles by 8 miles on the *west* side of the Saco river⁷ at its mouth.
5. 1630, Feb. 12. To Thomas Lewis and Richard Bonighton, 4 miles by 8, on the *east* side of Saco river⁷ at the mouth.
6. 1630, March 13. To John Beauchamp and Thomas Leverett, 10 leagues square on the west side of Penobscot river, called the Lincoln or Waldo patent⁸.

¹ 1 Haz. 239.² 1 Haz. 442.³ 1 Hutch. 286.⁴ Ib.⁵ Pr. 170,172. ⁶ Pr. 196.⁷ Ante. & Y. Rec.⁸ Pr. 203. 1 Haz. 318.

304.

7. 1630. To John Dy and others the province of Ligonias, or the Plough patent¹, lying between Cape Porpus and Cape-Elizabeth, and extending 40 miles from the coast.
8. 1631, Nov. 1. To Thomas Cammock, Black Point, 1500 acres.²
9. 1631, Dec. 1. To Robert Trelawny and Moses Goodycare, a tract between Spurwink river and Casco bay.
10. 1632. To Robert Aldsworth and Gyles Elbridge, a tract on Pemaquid point³.
11. 1634. To Edward Godfrey and others, 12000 acres on the river Agamenticus.
12. 1634. To Ferdinando Gorges 12000 acres on the west side of the river Agamenticus⁴.

These are all the grants which this company made in Maine, that we have met with previous to their final division in 1635. In that division, the territory now called Maine, was distributed to three of the Patentees ; Gorges' share extended from the Piscataqua to Kennebeck or Sagadahock, ; another portion was between Sagadahock and Pemaquid, the third from Pemaquid to the St. Croix⁵ ; the proprietors of the two latter divisions are not named, and we have no evidence that any occupation was had by them under this title.

On the 25th April 1635, a short time previous to the surrender of their charter, the council had a meeting at Whitehall, in London, at which they prepared a declaration of the reasons which induced them to take this important step, as follows⁶: " Forasmuch as we have found by a long experience, that the faithful endeavours of some of us, that have sought the plantation of New-England, have not been without frequent and inevitable troubles as companions to our undertakings from our first discovery of that coast to this present, by great charges and necessary expenses ; but also depriving us of divers of our near friends and faithful servants employed in that work abroad,

¹Sul. 114, 304. ²Y. Rec. ³1 Haz. 315. ⁴Beside the foregoing, a grant was made to Geo. Way and Thomas Purchase, between the Kennebeck and Androscoggin rivers and Casco bay, but its date is not known ; the original having been long since lost, and no record remaining. It is referred to in very ancient deeds. This tract became the subject of long and bitter controversy between the Pejepscot proprietors and other claimants, which was not finally settled until about 1814. In 1753, several pamphlets were published by the opposing parties, containing the arguments on the question. Eleazer Way, in a deed to Richard Wharton, of his right as son and heir to George Way, 1683, alleged that Way and Purchase had a grant of the territory from the council of Plymouth.

⁵Gorges' Narrative.

⁶Gorges' Nar. and 1 Haz. 390.

whilst ourselves at home were assaulted with sharp litigious questions" both before the privy council and the parliament, having been presented "as a grievance to the Commonwealth;" "the affections of the multitude were thereby disheartened;" "and so much the more by how much it pleased God, about that time to bereave us of the most noble and principal props thereof as the Duke of Lennox, Marquis of Hamilton, and many other strong stayes to this weak building:" "then followed the claim of the French ambassador, taking advantage of the divisions of the sea coast between ourselves, to whom we made a just and satisfactory answer." "Nevertheless," they add, "these crosses did not draw upon us such a disheartened weakness, as there only remained a carcass, in a manner breathless, till the end of the last parliament," when the Massachusetts' company obtained their charter, and afterwards thrust out the undertakers and tenants of some of the council, "withal riding over the heads of those lords and others that had their portions assigned unto them in their late majesty's presence." After a further enumeration of grievances, too grievous to be borne, they say they found matters "in so desperate a case" by reason of the complaints made against them and the procedure in Massachusetts, that they saw no remedy for "what was brought to ruin," but for his majesty to take the whole business into his own hands. "After all these troubles, and upon these considerations, it is now resolved that the patent shall be surrendered unto his majesty."

In the same instrument, they provided for all existing titles made by them, and prayed the king to confirm the grants which they had divided among themselves. These were recorded in a book which accompanied the surrender.

In addition to the reasons set forth in the public declaration of the council, Ferdinando Gorges grandson of Sir F. Gorges, in "America painted to the life," has the following: "the country proving a receptacle for divers sorts of sects, the establishment in England complained of Sir Ferdinando Gorges, and he was taxed as the author of it, which brought him into some discredit, whereupon he moved those lords to resign their grand patent to the king, and pass particular patents to themselves of such parts along the sea coast as might be sufficient for them."

The division of the territory among the patentees was made by lot on the 3d of February 1635¹, the grants were executed April 22d²,

¹1 Haz. 383.

²Ib. 1. Doug. 337.

and on the 7th of June following, the president and council made a full surrender of their charter to the king. They did however urge upon the king the necessity of taking away the charter of Massachusetts, and of appointing a general governour for the whole territory, to be taken from among the lord's proprietors¹." The king assented to this plan, but the earnest opposition of the friends of Massachusetts and the other New-England colonies, and the breaking out of the civil war, which by its immediate and pressing danger, engrossed the whole thoughts of the king and his government, prevented its being carried into execution.

Capt John Mason to whom New-Hampshire had been assigned, and Sir Ferdinando Gorges, seem to have been the only proprietors who pursued their separate grants with any zeal. But Mason was not long permitted to enjoy the fruit of his enterprise ; he died Nov. 26, 1635, and his private interest in his remote province, for the want of proper superintendence, and owing to the unfaithfulness of agents immediately declined².

Gorges lost no time to improve his acquisition. He gave to his province the name of *New-Somersetshire*, from the county in England, in which his estates were situated, and the same year sent over as governour, his nephew, Capt. Wm. Gorges³. The proprietor could establish no civil government without authority from the king, and Gorges therefore was indefatigable in procuring the necessary requisite for perfecting his title to the sovereignty as well as the soil of the province⁴. His labours for this object were not crowned with success until April 3, 1639. In the mean time, however, William Gorges arrived in the country, and held at Saco, March 21, 1636, the first court in this State, of which we have any record. The members of the court are styled commissioners, and the record commences as follows : " At a meeting of the commissioners in the house of Capt. Richard Bonighton, in Saco, this 21st day of March 1636, present Capt. Richard Bonighton, Capt. Wm. Gorges, Capt. Thomas Cammock, Mr. Henry Jocelyn, Gent. Mr. Thomas Purchase⁵, Mr. Edward Godfrey⁶, Mr. Thomas Lewis⁷, Gent."

¹ 1 Haz. 381. 1 Wint. 161.

² 1 Belk. N. H. 27. An. of Ports.

³ Joc. 1 Chron. Chalm. Annals 473.

⁴ Geo. Vaughan's letter 1 Haz. 403.

Belk. App.

⁵ Cammock and Jocelyn had probably now moved to Black Point. Purchase lived in what is now Brunswick.

⁶ Godfrey lived

at Agamenticus.

⁷ Lewis lived at Winter harbour. Y. Rec. Of Wm. Gorges, Chalmers says, " he ruled for some years a few traders and fishers with a good sense, equal to the importance of the trust."

At this court four persons were fined 5s. each for getting drunk. George Cleeves was fined 5s for rash speeches, and "Mr. John Bonighton¹ for incontinency with Ann, his father's servant, is fined 40s. and said Ann 20s. and he to keep the child." The jurisdiction of this court seems to have been coextensive with the limits of the province, the commissioners present being from each extremity, and from the centre. It does not appear that it was held by virtue of any commission, although that fact may be reasonably inferred. We have been able to find no record of this court later than 1637; but the few memoranda that have been preserved, prove to us that the early settlers, notwithstanding the smallness of their number, were influenced by the same litigious spirit and the same passions, which characterize a denser population, and a more refined state of society. Actions of trespass and slander occur frequently on the record.

In 1636, the court passed an order, "That every planter or inhabitant shall do his best endeavour to apprehend or kill any Indian that hath been known to murder any English, kill their cattle or in any way spoil their goods, or do them violence, and will not make them satisfaction." While they were thus endeavouring to protect their own rights from the aggression of the natives, they were not unmindful of the duties they owed that race; and the next year the same court ordered that Arthur Brown and Mr. Arthur Macworth make John Cosins² give full satisfaction to an Indian for a wrong done him.

What sort of government or civil regulation existed, previous to the establishment of this court, we have no means of determining. Probably each plantation regulated its own affairs and managed its own police without aid from, or communication with the others. The usual mode in the other colonies in absence of higher authority, was by agreement among the settlers in writing, called a combination. Such was the course adopted at Plymouth, at Piscataqua, and in the western part of Maine in 1649: and it is believed from the following record, that this was done at Winter harbour: "Feb. 7, 1636. It is ordered that Mr. Thomas Lewis shall appear the next court-day at the now dwelling house of Thomas Williams, there to

¹John Bonighton was the son of Richard; he was notorious for turbulence and insubordination during his life. ²Cosins was born 1596; he lived on an island

near the mouth of Royall's river, in North-Yarmouth, which he bought of Richard Vines 1645, and which still bears his name, until he was driven off in the war of 1675. He moved to York, where he died at a very advanced age after 1683.

answer his contempt and to shew cause why he will not deliver up the *combination* belonging to us, and to answer such actions as are commenced against him." In the settlement upon the Neck, and at the mouth of Presumpscott river, the number of inhabitants was so small, that connected as the persons in each were to its head, there was probably no call for the exercise of civil authority before the existence of courts here. And in regard to the plantation on Richmond's island, we may suppose that Winter, under his general authority controlled all its affairs.

It appears by the records of the earliest court, that the forms of the trial by jury were observed, which have ever since continued, although in the early stages of our history, more power over issues of fact was assumed and exercised by the court, than is consistent with modern practice.

In the confirmation of Gorges' title by the king, in 1639, powers of government were conferred almost absolute¹. In this charter, the name it now bears was first bestowed, in honour of the king's wife, who held a province of that name in France. It is described as extending from the Piscataqua river to the Kennebeck, and up those rivers to their furthest heads, or until 120 miles were completed, with all the islands within 5 leagues of the coast. The religion of the church of England was established as the religion of the province. The charter conferred upon Gorges an unlimited power of appointment to office ; to make laws with the assent of the majority of the freeholders ; to establish courts from which an appeal laid to himself ; to raise troops, build cities, raise a revenue from customs, establish a navy, exercise admiralty jurisdiction, erect manors, and exclude whom he chose from the province. Such powers were never before granted by any government to any individual, and he succeeded in procuring them by the most untiring efforts, all the other members of the council having failed to accomplish a similar object. His grandson Ferdinando in his account of America² says, " he no sooner had this province settled upon him, but he gave public notice that if any would undertake by himself and his associates, to transport a competent number of inhabitants to plant in any of his limits, he would assign unto him or them such a proportion of land as should in reason

¹Haz. 1. 442.

²page 49.

satisfy them, reserving only to himself a small high rent as 2s. or 2s. 6d. for a hundred acres per annum."

The following extract from Sir F. Gorges' narrative, will show the manner in which he regulated the administration of the province: "1st. I divided the whole into 8 bailiwicks or counties, and those again into 16 several hundreds, consequently into parishes and tythings as people did increase and the provinces were inhabited. The form of government. 1st. In my absence I assigned one for my lieutenant or deputy to whom I adjoined a chancellor for the determination of all differences arising between party and party, for *meum* and *tuum*, only next to him, I ordained a treasurer for receipt of the public revenue, to them I added a marshal for the managing the militia, who hath for his lieutenant, a judge marshal, and other officers to the marshal court, where is to be determined all criminal and capital matters, with other misdemeanours or contentions for matters of honour and the like. To these I appointed an admiral with his lieutenant or judge for the ordering and determining of maritime causes. Next I ordered a master of the ordnance, whose office is to take charge of all the public stores belonging to the militia both for sea and land, to this I join a secretary for the public service of myself and council. These are the standing councillors to whom is added 8 *deputies*, to be *elected* by the freeholders of the several counties, as councillors for the state of the country, who are authorized by virtue of their places to sit in any of the aforesaid courts, and to be assistants to the president thereof."

This magnificent outline was never filled up; the materials were lamentably deficient. Gorges proceeded on the 2d Sept. 1639, to appoint his officers, and granted a commission at that time to Sir Thomas Jocelyn, Richard Vines, Esq. his steward general, Francis Champernoon², Esq. his nephew, Henry Jocelyn and Richard Bonighton, Esq^{rs}. Wm. Hooke³ and Edward Godfrey, Gent. as

¹Narrative 46. This Narrative was written in 1640, and published by his grandson in 1658; he also says in it p. 50, "I have not sped so ill, I thank my God for it, but I have a house and home there; and some necessary means of profit, by my saw-mills and corn-mills, besides some annual receipts, sufficient to lay the foundation of greater matters, now the government is established." The unfortunate Knight did not anticipate so soon being deprived of his possessions and stripped of all his golden prospects.

²Champernoon lived in Kittery. ³Wm. Hooke lived in Agamenticus or Kittery. Sir Thomas Jocelyn, I think, never came to this country. I find no subsequent mention of him.

counsellors, for the due execution of justice in his province, and established in the same commission certain ordinances for their regulation¹. Another commission was issued by him on the 10th of March following, in which the name of Thomas Gorges, whom he styles his cousin, is substituted for Sir T. Jocelyn, but similar in other respects to the former. He gives as a reason for the new commission the uncertainty whether the other arrived, and his desire that justice might be duly executed in the province. The first commission did arrive, and a general court was held under it, at Saco, June 25, 1640², before Thomas Gorges reached the country. This was the *first general court* that ever assembled in Maine, and consisted of "Richard Vines, Richard Bonighton and Henry Jocelyn, Esq's. and Edward Godfrey, Gent. counsellors unto Sir Ferdinando Gorges Kt. proprietor of this province for the due execution of justice here." It does not appear that any deputies were present. The following officers were sworn at this court, viz. Vines, Bonighton, Jocelyn and Godfrey, as counsellors, Roger Garde, register, Robert Sanky, provost marshal, Thos. Elkins, under marshal, Nicholas Frost, constable of Piscataqua, Mr. Michael Mitton, constable of Casco, and John Wilkinson, constable of Black Point. This court had jurisdiction over all matters of a civil or criminal nature arising within the province. At the first session there were 18 entries of civil actions and 9 complaints.

Thomas Gorges arrived in the course of the summer ; Winthrop³ says of him that "he was a young gentleman of the Inns of court, a kinsman of Sir F. Gorges, and sent by him with a commission for the government of his province of Somersetshire. He was sober and well disposed, and was very careful to take advice of our magistrates how to manage his affairs." He held his first court at Saco, Sept. 8, 1640, assisted by the counsellors before mentioned⁴. At this session there were pending 28 civil actions, of which 9 were jury trials ; and 13 indictments, which were tried by the court without the intervention of a jury ; 4 of them were against George Burdett, minister of Agamenticus, for adultery, breach of the peace, and incontinency, and what appears singular, Burdett recovered judgment in two actions for slander against persons for reporting the very facts for which he was at the same court found guilty and punished. The

¹Sull. Appen.²Y. Rec.³2 Winth. 9.⁴Y. Rec.

court passed an order that the general court should be held at Saco every year, on the 25th of June ; they also divided the province into 2 parts, one extending from the Piscataqua to Kennebunk ; the other from Kennebunk to Sagadehock ; and in each division established an inferior court, to be held 3 times a year, which had cognizance of all cases except "pleas of land, felonies of death and treason." An order also was passed that all the inhabitants "who have any children unbaptized should have them baptized as soon as any minister is settled in any of their plantations."

The government seemed now to have been placed on a respectable footing, and to have afforded hope of permanency ; but in 1642, the civil war broke out in England, the influence of which extended to the colonies and destroyed all that Gorges had so long laboured to establish. He was a firm episcopalian and royalist, and joined the king's party with the same zeal which governed all his former life ; although he was more than 70 years old, he did not hesitate to buckle on his armour and trust himself once more to the chance of war in defence of his principles and the person of the king. But interested individuals were not idle to take advantage of this state of things to aggrandize themselves, and to gratify feelings of jealousy and hatred against those who were unfriendly to them or stood in their way. Among such, circumstantial evidence would seem to place our first settler George Cleeves. Early in 1643, we find him in England, and the 7th of April of that year¹, Col. Alexander Rigby, an ardent republican, and a member of parliament, purchased of the surviving proprietors of the province of Ligonía, or a part of them, a conveyance of their charter. It is inferred that he was stimulated to this undertaking by Cleeves. Cleeves probably took advantage of political prejudices in England, to gain power in the province for himself ; he had not been noticed by Gorges among the officers of his government ; and with Trelawny and his agent he had openly quarrelled. He therefore addressed himself to Rigby, who had warmly espoused the republican side, and no doubt persuaded him to engage in the speculation of purchasing Ligonía, which was a dormant title, and under existing circumstances, but a nominal interest, in the hope that by the aid of political machinery, it might be elevated to a real and valuable estate. We are inclined to the opinion that

¹Sul. 312.

Cleeves was active in this measure, because he was appointed by Rigby, his first deputy for the government of the province, and because he succeeded in obtaining a confirmation from him of the valuable grant in Falmouth, originally made to him by Gorges in 1637. Another circumstance which throws suspicion upon Cleeves, is an attempt upon the character of Richard Vines, the leading supporter of Gorges. On the 28th of April, 1643, he procured a commission from the parliament, directed to Gov. Winthrop, Arthur Macworth, Henry Bode¹ and others, to examine into certain articles exhibited by him to parliament against Vines. It appeared at the court held in Saco in Oct. 1645, that Cleeves had himself affixed the names of the principal planters, viz. Macworth, Watts, Aulger, Hamans, West, Wadleigh, Wear, Robinson, &c. to the petition to parliament without any authority from them, and which they severally under oath in court, disclaimed; declaring "that they neither saw nor knew of said articles until the said George Cleeves did come last out of England," and that they "could not testify any such things as are exhibited in the said petition." It does not appear that Gov. Winthrop accepted the commission, and Macworth and Bode, both refused to act. Cleeves arrived at Boston in 1643, with his commission from Rigby, to act as his deputy in the government of Ligoniam². Knowing that he should have to contend against an authority already established, he petitioned the general court of Massachusetts to afford him their protection. This they declined doing, but were willing that the Gov. should write an unofficial letter in his favour. They wished probably to render what assistance they could to a representative of the popular party in England, without involving themselves in the result of its ill success. The letter of the Gov. did not have the desired effect of procuring the submission of Gorges' friends to the authority of Cleeves; for when Cleeves proclaimed his commission at Casco, and called a court there, Vines, the Deputy of Gorges, opposed his proceeding, and called a court at Saco. The inhabitants of course divided, those of Casco principally joined Cleeves, although some dissented as appears by an order of the court, held at Saco, Oct. 1645, assuring them of protection³. Vines was resolutely

¹Bode lived in Wells. ²Wint. 154. Hub. 368. ³"Ordered by joint consent that we will aid and protect the inhabitants of Casco bay as namely, Mr. Arthur Macworth and all others in confederacy with us there, and their estates from all opposition, wrong and injury that may be offered them by Mr. George Cleeves or any under him." Y. Rec.

supported by Macworth, in Casco, and it may be supposed, by the principal inhabitants of Saco and Black Point, and he was elected deputy governor for the following year. In this juncture, Cleeves wrote to Vines, that he would submit the decision of the question, as to jurisdiction, to the government of Massachusetts, until a final determination could be had from England; but Vines not only declined the arbitration, but imprisoned Richard Tucker, who was the bearer of the communication, and required a bond for his appearance at court and his good behaviour, before he released him. Upon this violence, Cleeves and his party, about 30 in number, wrote to the Gov. of Massachusetts for assistance, and offered themselves as parties to the confederacy of the united colonies. The Gov. returned an answer unfavourable to their claim for admission to the confederacy, objecting that "they had an order not to receive any but such as were in a church way¹." Afterward in April 1644, Vines went to Boston with a letter from the commissioners of Sir F. Gorges, and between 20 and 30 other inhabitants of the province; but without effect; they would render aid to neither party: and although their predelections were undoubtedly on the side of Rigby, with their usual cautious policy they withheld themselves from any interference in the disputes here, recommending both parties to live in peace, until the controversy should be definitively settled by the authorities in England. Cleeves continued to maintain a feeble sway, and must eventually have submitted to the authority of Gorges, had not the party of Rigby been triumphant in England; the distress to which he was reduced will appear from his letter to the government of Massachusetts of July 3, 1645. "To the honoured governour and deputy governour, and court/of assistants of the Massachusetts colony, these. Honoured sirs, may it please you, I have lately received from Mr. Rigby, letters of instruction and advice to proceed in the government of Ligoniam, and because we are opposed by Mr. Vines and others, his confederates, that we could not proceed according to our instructions and being daily threatened, and are still in danger of our lives, and also to have ourselves seized on by them for not submitting to a pretended authority to them given by Sir F. Gorges, without any lawful commission, and thereupon we are in danger of being ruined and undone, unless the Lord do move your

hearts to protect us with your assistance. I do not hereby presume to direct you, but humbly crave leave to show mine opinion, which is that if you will be pleased to write but your general letter to our opponents to deter them from their illegal proceedings, and a letter to our people of Ligoniam, to advise and encourage them, that notwithstanding Mr. Vines and the rest do oppose, that they may and ought to adhere to Mr. Rigby's lawful authority. I hope you may not need to put yourselves to any further trouble to finish the work, but in so doing you will much oblige Mr. Rigby unto you all, who doubtless would have sent over other order at this time, if he had known the injuries offered him and us. These letters now come are in answer of my letters sent to him on my first arrival and not of my last nor of the * * * of the commissioners, as you may see by the date of them. I herein shall send you Mr. Rigby's letter of request to you and also a letter of his to me, whereby you may see how the parliament approves of his proceeding, and that we may expect further orders forthwith, and in the interim we do most humbly beseech you to afford us such speedy assistance as the necessity of our present condition requires, and we shall forever petition the throne of grace for you all, and rest your humble servants. George Cleeves for and in behalf of the people of Ligoniam¹."

This letter produced no alteration in the policy of Massachusetts, and in October following, Vines held his court as usual, assisted by Richard Bonighton, Henry Jocelyn, Francis Robinson, Arthur Macworth, Edward Small and Abraham Preble². It being represented at this court, "that not having heard from Sir Ferdinando Gorges of late for establishment of government," they proceeded to elect Richard Vines, Esq. deputy governour for the year, and "if he should depart, Henry Jocelyn to be deputy in his place." They also laid a tax for the charges of the general court: in which Casco is assessed 10s. Saco 11s. Gorgiana³ £1. Piscataqua which included Kittery and Berwick £2 10s. The certificates before referred to,

¹From files in Secretary's office, Mass. ²Robinson lived in Saco, Macworth in Casco, Preble in Agamenticus. These persons may be supposed to be the leaders in their respective plantations of the party of Gorges.

³Agamenticus, now York, was incorporated as a city by Gorges in 1641, by the name of Agamenticus; the next year a new charter was granted, giving it the name of Gorgiana; Thomas Gorges was appointed the first mayor, by the charter. This tax exhibits the relative value of the settlements in Maine at that time, if Casco were fully taxed, of which from its having a separate government, there may be some doubt.

respecting the articles exhibited against Vines by Cleeves, were offered, and his practices censured ; but some allowance is undoubtedly to be made by us for the unfavorable light in which Cleeves appears in this transaction, since we receive the representation of it from bitter and prejudiced opponents, who acted under the highest degree of excitement ; and having no opportunity to hear the exculpation of the accused party.

Vines sold his patent to Dr. Child, in October 1645, and soon after left the province¹ ; Henry Jocelyn succeeded to the office of deputy governour. The contest had increased to such a height, that in the beginning of 1646, Cleeves was threatened with personal violence ; he therefore once more appealed to Massachusetts, to aid him in this emergency. The other party also making their representations to the same power, that government addressed a letter to each of them, persuading them to suspend their hostilities, and live in peace until the arrival of the next ships, by which it was expected that an order would come from the commissioners of the colonies to adjust the controversy. On receiving these letters, both parties came to the determination of referring the subjects of contention between them, to the arbitration of the court of assistants of Massachusetts, to be held at Boston, June 3d, 1646. At the time appointed, Cleeves and Tucker appeared in support of Rigby's title, and Henry Jocelyn and Mr. Roberts for Gorges².

The result of this arbitration was inconclusive and unsatisfactory. Winthrop³ says, " Upon a full hearing, both parties failed in their proof. The plaintiff (Cleeves) could not prove the place in question to be within his patent, nor could derive a good title of the patent itself to Mr. Rigby, there being six or eight patentees, and the assignment from only two of them. Also the defendant had no patent of the province, but only a copy thereof attested by witnesses which was not pleadable in law. Which so perplexed the jury that they could find for neither, but gave in a *non liquet*. And because

¹Vines must have had one daughter at least. I find a petition to Andross, on Mass. files from Vines Ellacott for Cousins' island in Casco bay, in which he styles himself a grandson of Capt. Richard Vines.

²I think there must be some mistake in this name, I find no such person in the province at that time ; a Giles Roberts subsequently lived at Black Point. I have thought it probable that Francis Robinson was intended ; he was a respectable magistrate of Gorges' Court at this period, and lived at Saco. ³Wint. 256.

both parties would have it tried by a jury, the magistrates forbore to deal any further in it."

The government of Massachusetts were undoubtedly quite willing that the cause should take this direction, they preferred to keep neutral and not identify themselves with either party until they could safely do it under the decision of the commissioners for the plantations in England. This decision arrived soon after, and declared Rigby to be the "rightful owner and proprietor of the province of Ligonía, by virtue of conveyances, whereby the planting, ruling, ordering and governing the said province is settled." The commissioners further ordered that all the inhabitants of said province should yield obedience to Rigby; and the government of Massachusetts was required, in case of resistance, to render support to his authority¹.

Winthrop² says that the decision of the commissioners brought the bounds of the patent to the sea side, when by the language of it, it fell 20 miles short: this explains what he before said in speaking of the evidence adduced by Cleaves in support of Rigby's title, that the grant did not cover the disputed territory.

This decree was the result of political events in England; the republican party was now triumphant, and Gorges, who had been taken prisoner at the siege of Bristol in 1645, and imprisoned, was probably now dead³: although, why the title to the province of Ligonía was not good, as to the soil at least, may be difficult to comprehend. The patent bears date previous to the title of Gorges, setting aside the grant of 1622, which appears never to have been executed; the proprietors came over and took possession, and no evidence remains that the patent was ever relinquished, or the title revoked. But the sovereignty or the right of government is placed on a different ground, and not having been transferred to the proprietors that we have any evidence of, must have reverted to the king, with the surrender of the grand patent by the council of Plymouth. The question then arises, whether the charter of the king to Gorges, conveyed the right of government to him within the province of Ligonía, which was then held under another, and distinct title. But this question we shall not stop to discuss.

¹Sullivan 314, who cites an ancient British manuscript. ²2. 320. ³In June 1647, Gorges' friends, in the western part of the State, addressed a letter to his heirs.

Cleeves, now triumphant over his adversaries, assumed undisputed sway in the whole province of Ligonía, extending from Cape Porpus to Cape Elizabeth, including both. Under this government were the settlements at Cape Porpus, Winter harbour and Saco, Black and Blue points, now Scarborough, Spurwink, Richmond's island, and Casco. Saco was the largest, and the next, those of Spurwink and Richmond's island. He immediately commenced making grants in his newly acquired territory : as early as May 1647, he granted to Richard Moore 400 acres in Cape Porpus, and in Sept. of the same year, he conveyed to John Bush a tract "in the village of Cape Porpus ;" he also made grants in Scarborough and Falmouth, all of them as the agent of Col. Alexander Rigby, president and proprietor of the province of Ligonía¹.

Records of only three courts held by Cleeves are now to be found, and these are very imperfect ; one relates to a court held at Black Point, by George Cleeves, *Henry Jocelyn*, and *Robert Jordan*, in which merely the appointment of an administrator is noticed ; and the others held at Casco in September and December of the same year, exhibit the proceedings which took place on the petition of Robert Jordan, the executor of John Winter, for the allowance of his claim against Trelawny. These are presented in the appendix. The style of the court, as we learn from Jordan's petition, was the "General Assembly of the Province of Ligonía." We owe the preservation of this record to the vigilance of private interest, and not to the care of public officers. The repeated changes in government, the confusion of the times, but most of all, the desolation spread over the whole eastern country by indian hostilities, have been fatal to the preservation of any perfect records either of the courts or towns.

After the decision which separated Ligonía from the Province of Maine, and the death of Gorges, the people in the western part of the State, in 1649, formed a combination for their own government, and elected Edward Godfrey their Governour² ; the first general court under this combination was held at Gorgiana, (York), in July of that year. In consequence of the state of affairs in England, which deprived them of the aid of their chief proprietor, they peti-

¹Rigby was a sergeant at law, and one of the Barons of the Exchequer in the kingdom of England ; Cleeves was styled deputy president. ²Sul. 320. 1 Mass. H. Col.

tioned parliament in 1651, to take them under their protection and confirm their independent government¹; but Parliament not regarding their petition, they were obliged in 1652, to submit to the jurisdiction of Massachusetts. Hutchinson, speaking of this period and this province, says, the people were in confusion and the authority of government at an end².

We have no means of determining with precision how the government in Ligonía was constituted: We find a general assembly in existence, and suppose it was formed upon the plan of that in Massachusetts or of that proposed by Gorges; that is, by assistants or counsellors appointed by the president or his deputy, and deputies chosen by the people. In fact Edward Rigby, the son of Alexander, in a letter written in 1652 to the province, speaks of the *six assistants and the judges*. The proceedings of the assembly in Sept. 1648, are subscribed by George Cleeves, deputy president, Wm. Royall, Henry Watts, John Cossons, Peter Hill and Robert Booth³. We meet with nothing in the records which indicate that the affairs of the province were not correctly administered, and conducted without confusion or interruption, until the death of Rigby the chief proprietor, which took place in August, 1650⁴. After the news of this event, the old opposition to Rigby's government was revived, and we may conjecture from Edward Rigby's letter, before referred to, that the object of the opposition was, to form a *combination* and establish an independent government; he writes, that if they do "not desist from their private and secret combinations and practices and join with him, his deputy and other officers for the peace of the province, he will take such course as shall not only force a submission, but also a reparation for all their misdeeds." This letter was dated London, July 19, 1652, and addressed to "Mr. Henry Joceling, Mr. Robert Jordan, Mr. Arthur Macworth, Mr. Thomas Williams, as also to Robert Booth, Morgan Howell, John Wadleigh, Jonas Bailey, Thomas Morris, Hugh Mosier, and to all others whom these may concern, these present in Ligonía⁵." It appears by this letter, that Cleeves was then in England, for he says, "I shall with

¹Sul. 322. ²1 Hut. 163. ³Royall and Cossons were from Westcustogo, now North-Yarmouth, Hill and Booth were from Saco, and Watts from Scarborough.

⁴1 Haz. 570. Sul. 317. ⁵Williams and Booth lived in Saco, and submitted to Massachusetts in 1653, Howell lived in Cape Porpus, and Wadleigh in Wells, and they severally submitted in 1653. Morris and Mosier lived in Casco bay, and Bailey at Black Point.

all convenient speed, not only *send back Mr. Cleeve*, but a near kinsman of my own."

How the government was conducted after this time we have no means of ascertaining : Cleeves did not return until after February 20, 1653, and although the majority of the inhabitants of Cape Porpus and Saco submitted to the jurisdiction of Massachusetts in 1652, he contrived to keep up some show of power in the eastern part of the province until the submission of the remaining inhabitants in 1658.

The government of Massachusetts seeing the disordered state of affairs in Maine, in 1652, seriously undertook to establish a claim to the province as far east as Casco bay. Their attention was particularly called to the subject by a land title which was controverted in the court of Norfolk county, then extending to the Piscataqua. The judicial tribunal declared that they had no jurisdiction, the land lying in New Hampshire; the subject was carried before the general court, which took occasion to order an accurate survey of their bounds¹. On the 26th of May the general court "voted that upon perusal of their charter, the extent of their line is to be from the northernmost part of the river Merrimack, and three miles more north, and thence upon a strait line east and west to each sea²." In pursuance of this declaration, the court appointed commissioners to ascertain the latitude of the head of Merrimack river; the committee made their observations on the first day of August, 1652, and reported "that the head of the Merrimack, where it issues out of the lake Winnepusiak³, was 43° 40 min. 12 sec. besides those minutes which are to be allowed for the three miles more north, which runs into the lake." Their next step was to ascertain at what point on the coast that parallel would reach, and observations for this purpose were made Oct. 13, 1653, by Jonas Clark and Samuel Andrews, ship masters, who conclude their report thus : "At the sea side where the line doth extend there lieth a grayish rock at a high water mark cleft in the middle⁴, else the shore being sand without stones; the line doth run over the northernmost point of an island as we guessed not above two or three rods above high water mark, the island is called the upper clap-board island, about a quarter of a mile from the

¹Belk. N. H. 102. ²1 Haz. 564. ³Winnepisseoggee. ⁴This rock still remains, and is the point from which the dividing line between the ancient towns of Falmouth and Northyarmouth commenced.

main in Casco baye, about four or five miles to the northward of Mr. Macworth's house¹."

This claim was resisted by Godfrey's government in the western part of the State, who protested against the usurpation ; but Rawson, the secretary of Massachusetts, wrote Godfrey in 1652, showing the grounds of their claim and their determination to pursue it and occupy the territory. Godfrey however, in the name of the government and people, declared that they would resist the encroachment and continue the exercise of their authority and rights, until the government of England should otherwise order². But the people not receiving support from England and weary of opposing the persevering efforts of their more powerful neighbour, finally yielded to the necessity of the case ; the inhabitants of Kittery and Gorgiana signed the submission in November 1652, and those of Wells, Cape Porpus, and a majority of those in Saco, July 5, 1653³.

Massachusetts having now extended her jurisdiction to the Saco river, continued her exertions, without relaxation, to spread it over the whole of her claim. But she was resisted in the eastern part of the province, both upon political and religious grounds. The most influential men east of Saco river, were decidedly episcopalian in their form of worship, and looked with dread upon the uncompromising, and we may add, untolerating spirit of the puritan government of Massachusetts. Our principal settlers had brought with them from England, the religious forms which prevailed in that country, and did not come to avoid them, as was the case with the colonists of Plymouth and Massachusetts. At the head of this party, were Robert Jordan, Henry Jocelyn and Arthur Macworth, all firm in the faith, possessing great influence, and determined to resist while there was hope of success. On the other hand, George Cleeves and others were stimulated in their opposition, by the possession of power which they were anxious to maintain. In 1654, Jordan was committed to prison in Boston, and about the same time, he and Jocelyn were summoned by the general court to appear before the commissioners at York, which they declined doing ; in 1657, a letter was addressed to them by the government, but without effect, urging

¹Mass. Rec. files.

²1 Haz. 564. Sul. 325.

³1 Haz. 573. Sul. 349. Mass.

them to meet their commissioners at York, "appointed for settling government in the eastern parts¹."

In 1655, Cleeves went to Boston in behalf of the inhabitants of Ligonias, to protest against the proceedings of Massachusetts. On the 24th of October, the government returned him a formal answer in which they urged their claim, exhibiting their patent and the report of the persons who had surveyed their bounds; they stated that they desired to treat the inhabitants of the province which fell within their limits with civility and friendship, but insisted on their right to the jurisdiction over the territory to their utmost eastern limits. They say, "We have not endeavoured to infringe the liberties of the planters of those lands, but have offered them the same with ourselves, nor to enrich or ease ourselves by taxing their estates, we expect no more than what they formerly did, viz. to bear their own charges; nor do we seek to put upon them that which we ourselves would count unequal, viz. to be subject to such laws and constitutions made by others without their consent²."

Massachusetts was fearful that her attempts to extend her limits would be viewed with dissatisfaction in England, and in their instructions to their agent Nov. 23, 1655, they say, "if any complaint be made by Mr. Rigby concerning our claim by virtue of our patent, as intrenching on what he calls the province of Ligonias, you may for the present make the best answer you may, for the reasons exprest in our answer given Mr. Cleeves' agent, which if it satisfy not, you may crave liberty for our further answer." She was evidently desirous of getting possession of the territory, and relied upon her own strength and the weakness of her adversary, for the final issue.

In August 1656, seventy one persons, inhabitants of Saco, Cape-Portus, Wells, York and Kittery, addressed a petition to Cromwell, praying to be continued under the government of Massachusetts, alleging that they were "a people few in number, and those not competent to manage weighty affairs, our weakness occasioning distraction, our paucity division, our meanness contempt³."

In 1657, the general court appointed new commissioners, and issued a new summons to the inhabitants east of Saco river, to meet them at York, which they failing to do; the commissioners issued

¹Mass. Rec.²1 Haz. 598.³1Haz. 608.

another notice requiring the inhabitants to appear at the general court, to be held in Boston, Oct. 14, 1657. But instead of regarding this summons, Cleeves sent in a paper, "wherein he declared," as the court in their records state, "against the legality of their proceedings and the resolution of the inhabitants to deny submission to them." The court then add, "We do hereby declare our right and claim to those parts, and the injurious refusal of the inhabitants there, concerning which we shall seriously advise what for the future may be most expedient for us, yet *for the present*, judge it best to *surcease any further prosecution*¹."

Notwithstanding this declaration, they did not long "surcease" further to prosecute their claim; for in May following, (1658) they appointed commissioners to proceed to the *disputed territory* to receive the submission of the inhabitants. This sudden change in their resolution was probably effected by a revolution in the feelings of the people, and by a desire existing here for a regular government. The preamble to the resolve by which the commission was appointed declares, "Whereas some complaints have been brought into this court by the inhabitants of the other side of the river Piscataqua, of divers disorders and inconveniences which do daily arise for want of government being orderly settled to the furthest extent of our line in the eastern parts, it is therefore ordered²," &c. The commissioners were required "to repair to Black Point, Richmond's island and Casco, or some such one place, within the county of York, as they shall judge meet, there to take in the inhabitants thereof into our jurisdiction²."

The people had undoubtedly become weary of the controversy, and their own government was unable to afford that security and protection which were needed, harrassed as it must have been by the pressure of the claim so strenuously urged without, and the struggles of an active opposition within. We find therefore that when the commissioners held their court at the house of Robert Jordan, of Spurwink, July 13, 1658, a *majority* of the inhabitants of Black Point and Casco attended.

The commissioners in their return say, that having issued summonses to all the inhabitants residing within the line proposed, to appear before them, "After some serious debate of matters betwixt

¹Mass. files.²Mass. Rec.

us, removal of some doubts, and our tendering some acts of favour and privilege to them, the good hand of God guiding therein, by a joint consent, we mutually accorded in a free and comfortable close.¹

The form of the submission was as follows, "We, the inhabitants of Black Point, Blue Point, Spurwink and Casco bay, with all the islands thereunto belonging, do own and acknowledge ourselves to be subject to the government of Massachusetts bay in N. E. as appears by our particular subscriptions in reference of those articles formerly granted to Dover, Kittery and York, which are now granted and confirmed unto us, together with some additions as upon record doth appear¹." This was signed by 29 persons, of whom the 13 following lived in Falmouth, viz. : Francis Small, Nicholas White, Thomas Standford, Robert Corbin, Nathaniel Wallis, John Wallis, George Lewis, John Phillips, George Cleeves, Robert Jordan, Francis Neale, Michael Mitton, Richard Martin. The remainder, with the exception of *John Bonighton*, who lived in Saco, were inhabitants of Black and Blue Points.

The following is the substance of the articles of agreement entered into between the inhabitants and the commissioners, and may be found at large on York Records².

1. The obligations entered into were to be void if the jurisdiction of Massachusetts, was not allowed by the government of England.

2. Indemnity and oblivion "freely granted."

3. The privileges granted to Dover, Portsmouth, Kittery, Wells, and Saco, granted to the people here.

4. In appeals to Boston, the appellant to have cost if he recover, if not, to pay treble cost.

5. To have copies furnished them of the privileges granted Dover, &c.

6. *Their civil privileges not to be forfeited for differences in religion*, "but their regulations therein must be according to penal laws."

7. Those places formerly called Black Point, Blue Point, and Stratton's islands, henceforth to be called *Scarborough*.

8. "Those places formerly called Spurwink and Casco bay from the east side of Spurwink river, to the Clapboard islands, in Casco

¹Mass. Rec. ²B. 1 p. 78. The first volume of the collections of the Maine Historical Society, will also contain this document.

bay, shall run back eight miles into the country, and henceforth shall be called by the name of Falmouth."

9. Falmouth and Scarborough shall immediately establish their bounds.

10. "The towns of Falmouth and Scarborough shall have commission courts to try causes as high as fifty pounds."

11. The two towns of Scarborough and Falmouth are to send one deputy yearly to the court of election, and have liberty to send two if they see cause.

The name Yorkshire is given to so much of the former province of Maine, as fell under the jurisdiction of Massachusetts, and in consideration of its extent, and the difficulty of obtaining the presence here of any of the assistants, it is granted, "1. That with the consent of the inhabitants of the aforesaid towns of Scarborough and Falmouth, we do constitute and appoint the right trusty Henry Jocelyn, Esq. Mr. Robert Jordan, Mr. George Cleaves, Mr. Henry Watts and Mr. Francis Neale, commissioners for the year ensuing, invested with full power, or any three of them, for the trial of all causes without a jury within the liberties of Scarborough and Falmouth, not exceeding the value of £50, and every one of said commissioners have granted them magistratical power to hear and determine small causes, as other magistrates and assistants, whether they be of a civil or of a criminal nature." Any of said commissioners were authorized to grant warrants, examine offenders, commit to prison, administer oaths, and to solemnize marriages, and any three of them were empowered to commission "military officers under the degree of a captain." Jocelyn, Jordan, Capt. Nicholas Shapleigh, Mr. Edward Rishworth and Mr. Abraham Preble, were invested with "magistratical power, throughout the whole county of York." Five associates were authorized to be chosen yearly for the county courts, instead of three, and a court was appointed to be held in Sept. of every year at Saco or Scarborough, as well as at York¹.

These and some other regulations, not important to be noticed, having been adopted, and the commissioners having declared that "the change of the government hath made no change in any man's former right, whether in respect of lands, chattels, goods or any other estate whatsoever," they adjourned on the 16th of July, 1658.

¹York Rec.

Thus the government of Massachusetts came into possession of the ancient province of Maine, as far east as the eastern bounds of Falmouth, which she held with the exception of about three years, until the final separation which took place in 1820.

Although the inhabitants had now generally submitted to her jurisdiction, there were many, who carried in their bosoms a spirit of determined hostility to the power of Massachusetts. We believe it to have been founded chiefly in difference of religious sentiments. Massachusetts at that time could hardly allow a neutrality on this subject ; none but church members could be freemen, and those who did not, "after the most straitest sect of our religion," live puritans, were not tolerated. Many of our early settlers were episcopalians ; Jordan was a priest of that persuasion, and had been the minister to the people here for many years, and although new settlers crowded into our plantations from Massachusetts, bringing the religious doctrines and feelings which prevailed there, still the attachment of many to the mode of worship under which they had been educated, was not and could not be eradicated. On this subject, Massachusetts exercised her power with no little severity, and notwithstanding her guaranty in the 6th article before mentioned, "that civil privileges should not be forfeited for religious differences," she did proceed to enforce her own doctrines, regardless of the religious principles which prevailed here. Robert Jordan was frequently censured for exercising his ministerial office in marriages, baptisms, &c. ; in 1660, he was summoned by the general court to appear before them to answer for his irregular practises, in baptizing the children of Nath'l. Wallis, "after the exercise was ended upon the Lord's day, in the house of Mrs. Macworth in the town of Falmouth, and was required "to desist from any such practises for the future¹."

It is not therefore to be wondered at that this party should seek the first favourable opportunity to throw off what they deemed to be the yoke of oppression. This opportunity was in a few years afforded as will be hereafter seen.

¹Mass. Rec.

CHAPTER 3.—1640—1660.

Boundaries and name of the town—Inhabitants in 1658, and places of residence—Early titles to land—First Mills—Phillips, Ingersoll and Corbin—Settlers at Back Cove—Jordan's claim and quarrel with Cleeves.

THE limits of Falmouth were described in general terms in the compact with Massachusetts of 1658 ; they were afterward to be particularly marked out by the inhabitants themselves, or, in case of their neglect, the next county court was to appoint commissioners for that purpose. This duty not having been performed, the general court at their session in May 1659, appointed " Capt. Nicholas Shapleigh, Mr. Abraham Preble, Mr. Edward Rishworth and Lt. John Saunders, to run the dividing lines," not only of Falmouth, but of Saco and Scarborough. This committee attended to the service and reported " that the dividing line between Scarborough and Falmouth, shall be the first dividing branches of Spurwink river, from thence to run up into the country upon a due northwest line, until eight miles be extended ; and that the easterly bounds of Falmouth shall extend to the Clapboard islands, and from thence shall run upon a west line into the country, till eight miles be expired¹." These boundaries are the same as at the present time, with the exception of the eastern line, which now runs northwest from the white rock, opposite Clapboard island, referred to in the survey of the eastern line of the province by Massachusetts. A west line corresponded precisely with the exterior line of the province, as then claimed by that government. The two side lines of the tract, are now parallel, both running north 45° west, a distance of over eight miles from the sea ; the rear line is a few rods over ten miles long. The name which was given to this town, was borrowed from that of an ancient town in England, standing at the *mouth* of the river *Fal*, in Cornwall, and hence called *Falmouth*. This river, after passing through a part of Cornwall, discharges itself into the British channel, forming at its mouth a spacious harbour. Several of our early settlers came from that neighbourhood, and adopted the name in compliance with a natural and prevailing custom in the first age of our history of applying the names which were

¹Return of the Com.

familiar to them in the mother country to places which they occupied in this. Previous to this time, the plantation upon the Neck, and indeed all others in the bay, were called by the general name of Casco, or Casco bay, no boundaries were defined ; but when a particular spot was intended to be designated, the local terms borrowed principally from the Indians, were used as *Machegonne*, *Purpooduck*¹, *Capisic*, *Westcustogo*, *Spurwink*, &c. These names continued to prevail many years, and some of them remain in familiar use at the present day.

Beside the thirteen persons who subscribed the submission to Massachusetts, the following were inhabitants of the town in 1658 : James Andrews, Thomas Greenly or Greensledge, George Ingersoll, John Lewis, Jane Macworth, Joseph Phippen, Sampson Penley, Robert and Thomas Sanford or Stanford, and Nathaniel Wharff.

James Andrews was the son of Jane Mackworth, by her former husband Samuel Andrews, and was born in 1635, probably at Saco. *Greensledge*, in 1666, is called a servant of George Cleeves, we know nothing more of him than that he was an inhabitant June 1658. We find George Ingersoll here as early as 1657, but are not able to determine the period of his arrival ; he was born in 1618, and was probably the son of Richard Ingersoll, a Bedfordshire man, who, with his family, was sent to Capt. Endicott in Salem, by the Massachusetts Company in 1629². *John Lewis* was the son of George³ ; he received a grant of 100 acres of land at Back Cove from George Cleeves, June 26, 1657 ; his father had lived here at that time at least 17 years, and had several children born previous to that period. *Joseph Phippen* was an inhabitant of Falmouth as early as 1650, he probably came from Boston, where several of that name were then living ; a David Phippen was admitted freeman of Massachusetts in 1636, and one by the name of Joseph in 1644. He purchased 100 acres at Purpooduck of Cleeves, Sept. 30, 1650. *Sampson Penley* was here as early as June 1658, we do not know where he came

¹Purpooduck was the aboriginal name for *Spring Point*, but it afterward was extended over the whole northern shore of Cape Elizabeth.

²See the company's letter in 1 Haz. 279. ³George Lewis, who, I have supposed was the father of our George, was a clothier. He came from Kent county, Eng. to Plymouth, before 1630, and moved to Scituate in 1634. He had a brother John, who took the freeman's oath in Scituate in 1637. Our conjecture receives some countenance from the similarity of names.

from, he lived many years in Falmouth, and raised a family here. We know nothing of the origin of the *Stanfords*, they were residing at Purpooduck in 1687, when in a petition to Andross, they stated that they had possessed land on the south side of Casco river 35 years. *Nathaniel Wharff* was married to Rebecca, eldest daughter of Jane Macworth, as early as March 28, 1658, at which time he received from Mrs. Macworth a conveyance of land near the mouth of Presumpscot river, where he afterwards lived¹. In addition to these persons there then lived in the Bay, *John Cousins*, near the mouth of Royall's river, *Thomas Hains* at Marquoit, *James Lane* on the east side of *Cousins'* river, *Richard Bray* on Mains' point in North Yarmouth, John Maine, at the same place, *James Parker*, on the Kennebeck river or its neighbourhood, *Wm. Royal* on the east side of Royall's river, near its mouth, *John Sears* probably on one of the islands. Besides these, there were Hugh Mosier, Thomas Morris and Thomas Wise, who lived some where in the Bay at this time, but at what particular place, we are unable to determine; probably in North Yarmouth.

The distribution of the inhabitants of Falmouth, in the several parts of the town is as follows: On the *east* side of Presumpscot river, lived James Andrews, Jane Macworth, Francis Neale and Nathaniel Wharff. On the *west* side of that river, Robert Corbin, John Phillips, Richard Martin², the settler at Martin's Point, opposite Macworth's Point; at *Back Cove*, George Ingersoll, George Lewis, John Lewis and Nath'l. Wallis. On the *Neck*, lived George Cleeves, Michael Mitton and Richard Tucker. At *Purpooduck*, Joseph Phippen, Sampson Penley, Thomas Staniford, Nicholas White, and probably John Wallis—Robert Jordan is the only name we meet with from Spurwink; Francis Small lived at Capisic, on a tract of land he purchased of the indians.

The several parcels of land conveyed by Cleeves and Tucker, were invariably situated upon the margin of one of the rivers or of the Back Cove. The earliest grants from them we meet with, were to Atwell, at Martin's Point, and to George Lewis, at the entrance into Back Cove; these were made before 1640, and probably after June 8, 1637, the date of their possession under Gorges' deed. The next conveyance we have discovered, was of 200 acres at Back

¹Y. Rec. ²Martin married widow Atwell, and afterwards occupied her farm.

Cove to Wise and Mosier, in 1640, between the land of Atwell and Lewis. We find no trace of any other conveyances from those persons until 1646, when they granted to John Moses, "now of Piscataqua river," "100 acres of land in Casco bay, adjoining unto land formerly granted unto George Lewis," in consideration of seven years service as an apprentice to them'. Between the date of the two last mentioned conveyances, Cleeves went to England and procured his commission from Rigby, and also May 23, 1643, a title to the same tract granted to him by Gorges.

For a number of years after this period, Cleeves was engaged in a controversy with the agents of Gorges for the maintenance of his power as the deputy of Rigby ; and after he was quietly established in his government, he soon became occupied in resisting the claim of Massachusetts. These employments, together with the continual opposition by which his administration was harrassed by discontented subjects, must have left him but little opportunity for the improvement of the large tract conveyed to himself and partner.

In 1650, May 1, he confirmed Peak's island to Michael Mitton, his son in law, under authority from Rigby, and January 1, 1651, by the same authority, he conveyed to him 100 acres at Clark's point, adjoining his dwelling-house, which Mitton "had possessed for ten years." February 24, 1651, he transferred to him all that tract lying in Casco bay, granted to him by Alexander Rigby, which he describes as being "now in the possession of me the said Cleeves and other of my tenants," also all the utensils, household stuff in and about the house and buildings, with all his houses, buildings, "cattle as well as cows and calves and steers and swine, young and old, as also all other cattle and goods," and mentions as the consideration a sum of money, and also "that he the said Michael Mitton, shall at all time and times hereafter maintain and provide for me the said George Cleeves, and for Joan, my now wife, good and sufficient meat and drink, apparel and lodging and physick and all other necessities for the relief of this frail life for both of us, and the longest liver of both of us, as well as for other considerations me hereunto moving as well the marriage of my daughter as otherways." Although this deed appears to have been regularly executed, yet it probably never took effect, as we find Cleeves afterwards, even the same year, making conveyances of parcels of the same land : the deed was not recorded until 1717.

Dec. 26, 1651, Cleeves conveyed to Nicholas Bartlett, of Cape Porpus, "100 acres lying together in Casco bay, near unto the house of me the said George Cleeves, to begin at the southwest side of the corn field, now employed for tillage and corn, by me the said Cleeves: the bounds to begin at the small *water lake*, which runneth into the cove, near the said corn field, and is to run eight score poles *into the woods*, and from the cove southwest by the water side toward the house of Michael Mitton, 100 poles, together with so much marsh ground as is to be appointed to every other tenant for every hundred acres¹." This description points out the situation of the grant; it extended from Clay cove to about where Union-street now is, and included the whole width of the Neck. This tract was conveyed by Bartlett to John Higginson jr. of Salem, in 1700, and by Higginson's executors to John Smith of Boston in 1720, but it does not appear that it was ever occupied by Bartlett or those who claimed under him. It is very certain that it was entirely disregarded by President Danforth in the settlement of the town in 1680.

On the 20th February, 1653, Cleeves being in England, received from Edward Rigby a grant of one thousand acres adjoining the land formerly granted to him, "beginning at the little falls in Casco river, and running westwardly 320 poles, and 500 poles southwardly." Possession was delivered by Mitton to Richard Tucker by the appointment, and for the use of Cleeves; and July 18, 1658, Cleeves conveyed the same to Tucker for £30 st. We hear nothing more of this title, and presume it died with Tucker.

These are the only conveyances we find from Cleeves previous to 1657; after that time they are more frequent, owing probably to the increase of immigration. In May 1657, he granted to "James Andrews, son of Samuel Andrews, citizen of London, deceased," 100 acres of land at the upper end of the marsh on Fore river, near Capisic². In this deed mention is made of a grant of 100 acres next adjoining, by Cleeves to his grand-daughter, Ann Mitton; we do not find the latter deed recorded, but the land is held under that title at

¹Y. Rec. In the time of Gov. Andross 1687, Bartlett petitioned for confirmation of this title, and represented that he bore arms for King Charles 8 years, for most of which time he had no pay, especially the last 3 years he served in the Princes guard, and at last was forced to fly out of England for his life, poor and destitute; and in order to settle himself here, purchased land of Cleeves. That Danforth disposed of the land to other men who built upon it. He was then living in Salem.

²Y. Rec.

the present day ; Ann Mitton having married Anthony Brackett, who occupied the estate and left the whole, or part of it, to his posterity.

June 26, 1657, Cleeves conveyed to " John Lewis, eldest son of George Lewis, of Casco," 100 acres bordering on his father's former grant of 50 acres. This was situated at Back Cove, not far from Tukey's bridge, and is part of the farm now owned by Henry Ilsley. Lewis conveyed it to Nathaniel Wallis in 1674, who occupied it. November 20 of this year, Cleeves made another conveyance of 50 acres to George Lewis, lying southerly of his son John's grant, and extending to Fall Cove.

The earliest Indian deed we have met with of land in Falmouth, was made July 27, 1657, by *Scitterygusset* to Francis Small ; it runs thus, " Be it known unto all men that I, Scitterygusset, of Casco Bay, Sagamore, do hereby firmly covenant, bargain, grant and sell unto Francis Small, of the said Casco Bay, fisherman, his heirs, &c. all that upland and marshes at Capisic, lying up along the northern side of the river, unto the head thereof, and so to reach and extend unto the river side of Ammoncongan." The consideration for the conveyance of this large tract, about two miles in extent, was " one trading coat a year for Capisic, and one gallon of liquor a year for Ammoncongan."

We know but little of this Sagamore ; Winthrop mentions him as the leader of the party which murdered Bagnall on Richmond's island in 1631, and a creek near the mouth of Presumpscot river still perpetuates his name. What extent of territory he ruled over, or what distinguishing name his tribe bore, we have no means of ascertaining. We may, however, reasonably conjecture that his people spread between the Androscoggin and Saco tribes, and occupied the river Presumpscot and the large ponds from which it has its source. *Aucocisco*, the name that Capt. John Smith and other early writers apply to the natives upon this bay, may be considered as belonging to this tribe, which may therefore be called the Aucocisco, or as the name is now used, the Casco tribe, of which Scitterygusset was the chief Sagamore at this time.

The neighbouring tribes had their appropriate appellations, and the name we have assumed, is the only one of those preserved by the early writers, which remains unapplied.

At the date of this deed, Francis Small was thirty years old ; he settled on his purchase, where he remained several years, and afterward moved to Kittery, where he was living in 1683. In May 1658, he sold half of the tract to John Phillips, of Boston, and it was subsequently improved by his son-in-law, George Munjoy, who made an additional purchase of the Indians in 1666.

The natives had a large space cleared at Ammoncongan, on the north side of Presumpscot river, which they improved for planting, and which retained the name of the Indian planting ground for many years. The purchasers subsequently used it for the same purpose.

August 10, 1657, Cleeves conveyed to John Phillips 50 acres on the south-west side of the Presumpscot, adjoining the last falls on that river, and between " said *mill falls* and Richard Martin's land." On the 3rd of May, 1658, he conveyed to him 50 acres more, "adjoining the now dwelling house of said Phillips ;" in the latter deed, Phillips is described " of Casco Bay *mill-wright*." In 1662, Cleeves confirms to Phillips his former conveyances speaking of them as containing 250 acres with mill privileges, &c¹. Phillips was a Welchman² ; he had previously lived on Broad bay, in North-Yarmouth, on a place which he sold before 1643, to George Felt. It is presumed that he purchased the mill privileges before mentioned for the purpose of pursuing his occupation. He had made previous purchases there, and Cleeves' confirmation speaks of a much larger quantity of land, than the deeds we have found, convey. It is believed that Phillips established on the Presumpscot river the *first mills* ever erected there, or indeed, in any part of the town. In fact, mills were erected in no other part of that river for many years afterward, and not until they were in operation at Capisic, and at Barberry Creek, in Cape-Elizabeth. The first notice of mills in this town which we have met with is in a deed dated June 8, 1646, in which is the following recitation, "I *John Smith* and Joane my wife, now living at *Casco Mill*, under the government of Mr. George Cleeves, sell to Richard Bulgar of Boston, all that dwelling house which said John Smith hath in dowry with his wife Joane, situated in Agamenticus;" the deed " was sealed and delivered unto Mr. George Cleeves and Richard Tucker for the use of Richard Bulgar³." We know of no place in the town which unites so many probabilities in favour of the

¹Y. Rec. ²Felt's depo. Y. Rec. ³Y. Rec.

location of the first mill as the lower falls on the Presumpscot, and therefore presume that Smith must have lived near that spot. In a description of land at Back Cove, between Fall Brook and the Presumpscot, accompanied by a survey made in 1687, we find the land and dwelling house of a *John Smith* referred to ; if this be the same Smith and the place where he lived in 1646, we should have no hesitation in determining that the territory which Smith mentions under the name of "*Casko Mill*," was situated around the lower falls of the Presumpscot. The name of Smith was as common in the early history of the country as it is at the present day. Capt. John Smith we have before mentioned as one of our first visitors ; another John Smith was one of the earliest settlers at Saco, he was born in 1612, and was a carpenter by trade ; in 1685, he gave his deposition in which he described himself as John Smith *senior*, said he was 73 years old, and "40 years ago was marshal under Mr. George Cleeves ;" Thomas Smith and a John Smith were jurymen in 1640 ; Richard Smith witnessed the possession of Black Point to Cammock, in 1633, and William Smyth of Black Point, planter, died in March 1676, aged 88, having bequeathed his property to his brother Richard of Westchester, England. The John Smith of Casko Mill, does not occur again in our records, and we have no means of distinguishing him from the numerous others of his name.

There were two persons of the name of John Phillips who frequently appear in our early transactions ; one was deacon John Phillips of Boston, a merchant, whose only daughter Mary married George Munjoy, a distinguished inhabitant of Falmouth—he became a large purchaser of land here, although never a permanent resident ; he died in 1683, in Boston. The other was John Phillips, the mill wright, who lived here many years and until driven away in the Indian war, when he moved to Kittery, where he died without issue ; he was born in 1607, and was living in 1684.

We meet with the names of George Ingersoll and Robert Corbin for the first time in 1657 ; in 1685, Ingersoll testified that about 28 years since, Robert Corbin cleared a parcel of that meadow, called George Lewis's marsh, about 8 or 10 acres or thereabouts, at the north end of said marsh." Corbin had relatives living in the vicinity of Boston, and probably himself came from that neighbourhood ; a

Robert Corbin is mentioned by Winthrop¹ as being captain of the Speedwell, in August 1637. Our Robert married Lydia, the daughter either of Richard Martin or of his wife, by her former husband, Atwell, and lived on a large farm adjoining Martin's, on Presumpscot river, until he was killed by the Indians, Aug. 11, 1676.

In the beginning of the next year, 1658, Cleeves made several conveyances of land, principally at Back Cove ; the deeds were dated March 25th, the first day of the year according to the ancient mode of computation. The first was to Humphrey Durham of 50 acres, adjoining S. W. on Nathaniel Mitton's land, thence easterly 50 rods by the water side, thence 160 rods northwesterly into the woods ; the next was to Phineas Rider, of 55 acres, extending 55 rods from Durham's by the water ; next to George Ingersoll, 55 acres extending 55 rods adjoining the water ; next to Thomas Skillings, the same quantity and distance bordering on the cove " home to the bounds of Richard Tucker." The consideration of these conveyances respectively, was a shilling an acre for the land, a yearly rent of 12 pence and " one day's work for one man every year for all services and demands." The purchasers occupied their respective grants ; but whether they took immediate possession of them is not known. The grant to Skillings remained many years in his family. It is believed that Anthony Brackett purchased the grants of the other three, as his farm is described as extending to the land of Skillings. In May following (1658) Cleeves conveyed to his grand child, Nathaniel Mitton, 50 acres adjoining the 50 acres formerly granted to his father, " and so to go toward the N. E. by the water side home to the lot of Humphrey Durham," also 50 acres at the narrow of the Neck, west of round marsh. The latter parcel, Mitton sold to Richard Powsland, in 1674, who afterwards occupied it ; of the other, he probably died seized.

In order to bring together the grants and settlements around Back Cove, we will anticipate a year or two and introduce the conveyance by Richard Tucker of the only land on the northern margin of the Cove, which remained at this time unoccupied. Tucker's deed was made May 23, 1661, to Thomas Wakely, Matthew Coe, John Wakely and Isaac Wakely, all of Cape Ann ; the land is described as follows : " the full quantity of 200 acres of upland ground not yet

improved, with the 10 acres of meadow, lying and being within two miles or thereabouts of the said land, which meadow hath formerly been improved by order of said Tucker. Now know ye that this 200 acres of land before expressed, is situate, lying and being between the lot of George Lewis and Thomas Skillings, in the place commonly called Back Cove, and where *now the said Lewis and Skillings are inhabited.*" These persons constituted one family, John and Isaac Wakely, were the sons of Thomas, and Matthew Coe married his daughter; they immediately settled upon their purchase. The line of communication was now formed around the Cove, and may be traced as follows: beginning with Michael Mitton, whose 50 acres lay upon the northerly side of *Ware Creek*, which passes up from Back Cove; next his son Nathaniel, 50 acres, after him in order Durham 50 acres, Rider, Ingersoll and Skillings 55 acres each, Wakely and company 200 acres, which extended to George Lewis' land on Fall Cove; next George Lewis 50 acres, his son John's 100 acres, their George Lewis' first grant of 50 acres on the neck, which from him was called Lewis' neck, and is the point which extends southeasterly, forming the northerly side of the passage into Back Cove. Next to Lewis' was the grant of 200 acres to Mosier and Wise, which Wise, in 1658, sold to Nathaniel Wallis, and last Richard Martin's land, reaching to the mouth of Presumpscot river. The settlements then turned up the river and spread to the falls. At this period, 1658, we know of no other persons as occupants on the western border of that river than Martin, Corbin, and Phillips. We thus perceive that Back Cove was soon occupied, the land having been all taken up along the shore as early as 1661. The advantage afforded by the marshes in the cove and creeks, formed by it, were inducements to the settlement of that part of the town; the country was a thick forest, the cattle and the people could be provided for on the intervalles and on the margins of rivers, far more easily than in those remote from the water.

But Cleeves' grants were not confined to that part of the town. On the first of May 1658, he conveyed to Michael Mitton "all that tract of land on the N. E. side of Casco river, to begin at the now dwelling house of said Mitton, and from thence down the river to the bounds of Richard Tucker, that is to say, to the marked tree at the great point of rocks, and from thence up the river by the water

side southwesterly to the great standing pine tree, marked this day, and from both these marked trees upon a direct line northwesterly or thereabouts, home to the back cove¹." The point of rocks here mentioned is the one near Robinson's wharf, and the tract described includes that part of the town which lies between Anne-street and a line drawn east of Judge Parris' house ; nearly all the land is now held under this title, part by some of the Brackett family, who are descendants of Mitton, and the remainder by conveyances from them, Nath'l Mitton and Thaddeus Clark, who married a daughter of Mitton. On the 15th of May, of the same year, Cleeves sold Hog island to Thomas Kimball, a merchant of Charlestown, who sold it in 1663 to Edward Tyng of Boston, for £25 st. under whom it is now held. On the 26th of September 1659, Cleeves sold his homestead, including all the land east of clay cove, " together with all the woods and underwoods and timber trees growing thereon, and all his house and housing, cornfield or gardens," to John Phillips of Boston, and also *round marsh* at the narrow of the Neck ; his wife Joane, executed the conveyance, and August 15th, of the next year, Tucker consented to the sale as follows : " I Richard Tucker, do consent to the sale of Mr. George Cleeves, made to Mr. Phillips for the point of land within expressed, and do also consent that Mr. Phillips shall go from the cove next to Mr. Cleeves' corn field right over upon a strait line to the Back Cove, or bay towards George Lewis's lot, which is some part of the lands belonging to me the said Tucker²." Phillips permitted Cleeves and his wife to improve the house and corn field during their lives ; the remainder of the property was immediately occupied by George Munjoy, the son in law of Phillips, who moved from Boston this year, and erected a framed house a few rods east of Cleeves, which became his residence until the destruction of the settlement in 1676. The eastern part of this tract is held at the present day under this title by mesne conveyances from the heirs of Mrs. Munjoy, the western part she relinquished to the government in 1681.

On the 31st of May, 1660, Cleeves conveyed to Hope Allen of Boston, the upper extremity of the Neck, by the following descrip-

¹Y. Rec. In 1732, Josiah Wallis testified that he saw the stump of the pine tree mentioned as the S. W. bounds of Mitton's land, with some of the notches on it, and the remainder of the tree lying upon the bank. He had seen the tree standing in 1680. Depo. ²Original MSS. in my possession.

tion, "400 acres lying together, being part upland and part meadow, bounded with a river called Casco river, southeasterly, with the land of Ann Mitton and James Andrews westerly, and so to run down the river 400 poles, and to run into the woods eight score poles, until the said 400 acres be fully completed." The deed was acknowledged before Gov. Endicott of Massachusetts, June 8, 1661, and possession given June 3, 1662¹. Part of this large tract extending from Michael Mitton's land to round marsh, is held under this title at the present day ; Hope Allen bequeathed it to his son Edward, and Edward sold all but 50 acres to *George Bramhall* Nov. 13, 1678, who dying seised of it in 1689, it descended to his children, whose descendants conveyed their title to William Vaughan. Bramhall's hill within the grant received its name from the first occupant.

The name of Anthony Brackett occurs for the first time in our history, as a witness of the delivery of possession under this deed in 1662, and the name has ever since been connected with the affairs of the town through a numerous posterity, descendants of Anthony and his brother Thomas.

These are all the conveyances we find from George Cleeves within the territory claimed by him under grants from Gorges and Rigby, and in fact they cover all the land which at that time was eligible for cultivation and settlement, except the tract lying on the Neck between the rocky point near Robinson's wharf and clay cove ; and although 100 acres of this were conveyed by Cleeves to Nicholas Bartlett in 1651, Richard Tucker sold the whole, estimated in the deed as containing 400 acres to Mr. Cad of Boston, "on or about the year 1662²." Thus it appears that as early as 1662, Cleeves and Tucker had conveyed away all their title to lands upon the Neck, now Portland, and also in all other parts of their extensive grant, which were capable of improvement by the limited population which at this time occupied the territory.

We will now briefly notice the conveyances which were early made in other parts of the town. It will be recollected that in 1635, Arthur Macworth received a grant from Richard Vines, acting under the authority of Gorges, of 500 acres of land on the east side of Presumpscot river at its mouth, together with the island adjacent ;

¹The original deed on parchment is in my possession.
deed to Phineas Jones 1727.

²Michael Hodge's

Macworth died possessed of this tract in 1657, and his widow divided it among her children ; March 28, 1658, she conveyed " to *Francis Neale* of Casco, who married her daughter," 100 acres adjoining his dwelling house, and part of the marsh on the N. W. side of Scitterygusset creek, and the same day she conveyed another tract to Nathaniel Wharff, the husband of her eldest daughter Rebecca ; in 1666, she conveyed the island, 56 acres of land, to Abraham Adams, who married her daughter Sarah, and in 1674, to her son James Andrews, a large farm on the bay, east of the point¹. These persons occupied their respective grants for a number of years ; Wharff died here before the Indian troubles, leaving a widow and one son at least ; Neale's house was near Scitterygusset creek ; he moved to Salem in 1675 to avoid the dangers of the war, and never returned ; Adams, Andrews and their mother, at the commencement of the war of 1675, went to Boston, where she soon after died. Several other persons in a few years settled upon this side of the river and carried their improvements as high up as the falls ; of these the first in order from the mouth of the river was Jenkin Williams, who lived above Scitterygusset creek ; next above him was John Wakely's plantation, fronting upon the river about three quarters of a mile below the falls ; above this was Humphrey Durham's farm, which was probably the highest upon that side of the river. Williams came here before 1667, and continued until 1675, when he moved to Salem, and did not return ; John Wakely was the son of Thomas, he came here in 1661 ; Durham is first mentioned under the year 1658, as a purchaser of land at Back Cove ; when he moved to the east side of the river we are not able to ascertain.

On the 14th of August, 1672, Jenkin Williams, George Felt and Francis Neale purchased of the Indians *Nanaadionit* and *Wavaad Button*, a large tract of land on the N. E. side of the Presumpscot river, beginning at the eastern end of the mile square, which Munjoy bought of the Indians in 1666, and extending along by the river " to within 4 score poles of John Wakely's now dwelling house," and 6 miles back from the river. The eldest son of George Felt sold his father's part of this tract to David Phippen in 1690, and Neale and Williams conveyed theirs to the same person in 1699.

¹Part of this tract was occupied by the Jones family, whose ancestor Nathaniel came from Worcester county, Mass. It is now owned by Capt. Samuel Moody.

The mile square referred to, was conveyed by *Cunnateconett* and *Warrabita*, to George Munjoy, June 4, 1666, and is described as a mile square at Ammoncongan, beginning at the great falls (*Saccarappa*) and extending down the river to the lowest part of the town planting ground, and from these two points into the woods until a mile is completed'. This tract, Munjoy's widow and son George, sold to Thomas Cooper of Boston, April 5, 1692, from whom it passed by mesne conveyances into the hands of Brigadier Waldo, under whose heirs it is now held.

We have been thus particular in noticing the conveyances of land on the north side of Casco river, because they form the basis of many titles at the present day, and enable us to fix the localities of the first settlers with a degree of certainty otherwise unattainable. On the south side of the river, Robert Jordan was chief proprietor, and the lands there are principally held under his grants at this time. His earliest conveyances were to Joseph Phippen, Sampson Penley, Robert and Thomas Staniford, Ralph Turner, and some others along the northern part of Cape Elizabeth; but he retained possession of Spurwink and nearly all the southern part containing the marshes and the most valuable land, for his own family. He was not however content with the large territory over which his title was undisputed, but struggled for many years to extend his domain as far north as the Presumpscot river. This involved him in quarrels with Cleeves and his tenants, which continued during his life. In pursuance of his plan, Jordan, in 1657, procured in the first place of Richard Tucker, authority to occupy land about the falls of Presumpscot river, expressed as follows: "Sept. 11, 1657, I, Richard Tucker, do authorize Mr. Robert Jordan to make use of land adjoining to the falls of Casco river above Mrs. Macworth's, and there to erect saw-mills, if he thinks expedient. York 5. 5. '59, (July 5, 1659,) Mr. Tucker being in court confessed this to be his act." Having obtained this colour of title, he next endeavours to obtain possession by consent of the inhabitants, and for this purpose makes an insinuating appeal to their interests in the following address to them. "June 28, 1658. To the inhabitants of Casco Bay have presented—Whereas your neighbour Robert Jordan and others, out of regard to the public good and for the reconciling of trade in these

¹Original deed, see Appendix No. VII. ²Y. Rec.

parts, have endeavoured and assayed to erect a saw-mill at their great charge, all or the most whereof hitherto hath come to remediless damage through some obstruction, and a death put upon our work and design ; the said Jordan doth to you hereby declare that as he resolveth he in himself hath a right and privilege to and in the place for the erection of such a work, but in such case as it shall be made duly and legally appear, the said right and privilege to be invalid, then the said Jordan hath a right and privilege there by consent and allowance of Mr. Richard Tucker, under his hand to such right he pretendeth to or may have there also, ye said Jordan by virtue of a covenant made with John Phillips, hath a right and privilege to and in said place, for erection of said mills in reference to the pretension of a right there from Mr. Cleeves, by virtue of a contract made with him ; all which being not now to be disputed : the said Jordan desireth you in regard of present desolation we stand in, that you would, as you see cause and reason, by your subscription, declare whether the said Jordan may have or hath your free consent and allowance to go on and perfect the said work, and fall timber for the work and effects thereof, with other conveniences, in peaceful manner, without violence or opposition, rendering himself willingly satisfaction to such person or persons in future, who can or shall justly make it appear they are or have been unduly injured by his so doing, or otherwise you would declare your reasonable exception : presented by me, Robert Jordan. Consented to by us, Robert Corbin, Thomas Grienly, John Sares, Thomas Hains, Francis Neale, Michael Mitton, Nathaniel Wallis, Nicholas White, William Ryall, Jane Macworth, Thomas Morrice, James Andrews, Gyles Roberts, Richard Martin, Sampson Penley, Joseph Phippen'."

Mitton, the son-in-law of Cleeves, who here appears to sanction the pretensions of Jordan, had probably had some misunderstanding with Cleeves, and joined the party of Jordan. It appears by the records of next year, that he was a witness against Phippen, who was presented for "breeding a disturbance in town meeting by flinging Mr. Jordan's votes on the ground," and at the same court, a witness with Jordan and Neale, against his father-in-law, who was presented for denying to vote for magistrates, and for saying if the people would vote for Mrs. Clarke to be a witch, he would vote.

It also appears that Mitton, in 1660, executed to Jordan a release of all his interest in lands in Falmouth, in consideration of a confirmation from Jordan of the title to land conveyed to him by Cleeves.

The controversy between Cleeves and Jordan was carried into the first court, which appears to have been held in the county after the submission of Falmouth and Scarborough, to the authority of Massachusetts. This was on the 4th of July, 1659. The first action was brought by Cleeves against Jordan for breach of the arbitration bond entered into by Cleeves and John Winter in 1640, by which they bound themselves in the sum of £1000, to abide the award of referees on the subject of the disputed title to lands. This action was withdrawn. At the same court Cleeves entered another action against Jordan, "for making demands of certain lands purchased by great sums of money, and possessed by order of former grants these twenty-seven years." This action called forth proof of the original title, and Jordan introduced the certificate of part of the judges who tried the action in 1640 between Cleeves and Winter, taken soon after that trial, of which the following is an extract. "That which Mr. Cleeves and the jury took for Casco river to be but a creek into which we saw but one little brook to run, but the other which Mr. Trelawny takes for Casco river to be the river, it hath its issue out of a great pond named Sabadock : the river is of a reasonable depth and breadth, by the relation of the ancient inhabitants and natives, ever to have been called *Casco river*." This is signed by Thomas Gorges, Henry Jocelyn and Richard Vines. Jordan also introduced the deposition of Roger Willine, taken Dec. 7, 1658, in which he says that "about 21 or 22 years ago, he helped to row up the river which runneth by Mrs. Jane Macworth's to ye falls called Casco falls, Mr. Richard Vines, Mr. Arthur Macworth, Mr. John Winter, Mr. Henry Abilie, with divers others whom he hath forgotten, where he saw Mr. Richard Vines deliver unto Mr. John Winter, possession of the lands and falls there, by turf and twig." On the other hand, Cleeves relied upon his deeds and possession ; but the jury found for Jordan. Jordan also recovered judgment against him in an action of debt for £10. 10s.

Cleeves attributed his ill success in the county court to the fact that Jordan himself was one of the judges : he therefore sought

redress by petition to the general court. His memorial is as follows :

“To the honored Gen. Court, assembled and setting in Boston, this 24, 3 mo. 1661. (May 24, 1661.)

“The humble petition of George Cleeves, of Falmouth, Gent. humbly sheweth,

“That your petitioner hath been and yet is greatly wronged and oppressed by Mr. Robert Jordan, not only in laying claime unto all my lands which I have purchased at very deare rates ; but by forewarning of my tenants that are, and hindering others that would be, although I have had after purchase, possession for these 27 years or thereabouts : by means whereof the populating of the town of Falmouth is much hindered to the great loss and detriment of your petitioner and considerable hindrance to the country, and least I should quietly enjoy my just rights, he hath for two years together now past, or thereabouts, continually vexed your petitioner (as he humbly does conceive and hopes to prove) with unnecessary suites in law in severall courts, whereby he hath soe farr misinformed severall courts, as your petitioner hopes to prove, as that prevailing, he hath almost, and if help and redresse fayle, is in a faire way utterly to ruin your humble petitioner and his forever. The particulars whereof are too large to trouble the honored court with in this sort. And therefore your humble petitioner doth humbly beseech the honored court to consider the premisses, and either to admit audience of your petitioner’s declaration in the court in generall, or else to grant a committee to heare what he hath to say, that soe your oppressed petitioner may have some relief in his great suffering.

“You most humble petitioner doth humbly intreat the honored court to ponder the premisses and grant your petitioner such relief as in your wisdomes you shall see meet, and your petitioner humbly craving leave, praying for a blessing of God upon you and your administrations, subscribe myself yours¹.”

The return upon this petition is as follows : “The petitioner appeared before the committee ; but Mr. Jordan, against whom he complains, was not present,” the committee therefore recommend that a day be appointed for a hearing of the case, of which Mr. Jordan should have legal notice, or else that a committee should be appointed in those parts to examine into the facts and make report.

¹Mass. files.

It is probable that nothing effectual for Cleeves was done under this petition, for we find him appealing again next year to the general court against the injurious treatment of Jordan in a tone of the deepest distress and humility. This document preserves some interesting facts, and containing the language of our primitive settler on a subject immediately connected with our soil, we cannot omit and feel unwilling to abridge it : It is as follows :

“The Declaration of George Cleeves or his Bill of complaint against Mr. Robert Jordan, of Falmouth, in the county of York.

Imp. Mr. Robert Jordan, at the county court of York, held in the moneth of July in the year 1659, did make a sute against me for a debt not properly myne, but so pretended and recorded against me to the value of £10 10s. and costs of court. To the which that he had no just ground of sute against me, I make appeare as followeth: Although I acknowledge that I did receive of him to the value of £10. yet it was not on my own account, but on the generall account of the townes of Falmouth and Scarborough, in the connty of York aforesaid, I being appointed by them to appeare at the general court in their behalf, And my charges appointed by them to be borne, in part whereof I received the before named sum of £10. And Mr. Jordan himself did ingage to pay his proportion of the charges, and to supply me while I was at the court, as I can by evidence make appeare.

Secondly, in an action by me entered and prosecuted against him at the same court for unjust claimes by him laid to my lands and wrongfull interruption and hindrance of my rents and himself being an Associate of that court, I was cast as I conceive wrongfully in that action and the costs of court found against me, which I also for further clearing refer to testimony.

Thirdly, Mr. Robert Jordan having recovered the said actions against me, takes forth executions against me for it, as also for the cost of court aforesaid, all which with charges of extending did amount unto the sum of £17 or thereabouts, as appears by the constable's testimony, who levied it on my house and household goods and cow.

Fourthly. Mr. Robert Jordan having soe recovered and extended as aforesaid, notwithstanding did not then expel me, my house, nor tooke possession of it, but tooke my word and ingagement to pay him

the just sum due to him by virtue of the said judgements, which accordingly I did pay unto him. Notwithstanding which, I having given him under my hand, that the house and goods should remaine as his till the sum were paid. And though I had paid it fully, yet at a court of Associates in March last, (himself being one of the Associates,) he sues me again for delivery of my house, goods and cow, and recovered against me and hath taken them from me and holds them, the house being prised but at £8, which but a little before cost me £60.

Fifthly. Mr. Jordan at the former court of that county aforesaid, (which I should have minded before,) After he had cast me in the action of interruption aforesaid, did under pretence of law sue me in an action of molestation, because I recovered not the action against him, though it was a just action, which I prosecuted, but himself being of that court, I was cast £5 again in that action, and he not being therewith contented, demands of me £15, alleging that the law gives treble damages in such cases, which I conceive I shall make appear to the Hon. Court to be a very unjust and injurious thing.

Sixthly. At the same court of Associates in March last, having again recovered my house, cow, Bed and Bolster and bedclothes, my brewing kettle, pott and other goods, obtains an execution directed to the constables Deputy to possess him, the said Jordan, of the said house and goods, and commanded the constables Deputy (being his own creature) to throw out all my other goods as apparel, chests, trunks and provisions out of doors, who so acted to the spoiling and breaking of many of my things, and whereby I lost much of my goods and writings and apparel of my wife's, and many other things, to my damage more than £100 sterling. And more to vex and grieve me, he brought with him one of his own men (to assist the constable's Deputy) who was starke drunke, taking my kettle and pott, being full of worte for beere, ready to tun up, and threw it about the house, and carried away the said kettle and pott and detaineth them to this day, being contrary to the law in such cases provided ; and further to increase my griefe, he requested his drunken man and Deputy constable to go into my wife's chamber where she was laid on her bed and very sick, who in a Barbarous manner pulls her from off her bed and takes her bedd from under her, and the

bed clothing and carries all away, my wife being no less than *four score and seven years of age*, and all this done after a warrant of Attachment was served upon the said house, goods and cow, by the said Deputy constable under the hand of Mr. Edward Rishworth, one of the Associates, requiring the said house and goods to be responsible to answer my action of review to be tried at the next court of Associates, where (in truth) I have but small hopes of good success in my suits against him, he being one of them, and one that Boudly said, let them, if they durst, find any thing against him : My suspicion being the greater for that I proved at the last court, that I had paid Mr. Jordan £20 towards the two executions to purchase my peace for the present, until I might by some review or complaint, redress my wrong, for all which I had no allowance by any order of court, Albeit the two first executions came but to £15.10. besides what I paid the constable for fees and other charges as appeareth by the constable's testimony, soe that Mr. Jordan detaineth from me wrongfully my goods and two cows, being all the cattle I had for my subsistence for the present, and hath proffered to sell my house to any that would buy it, and all this of purpose to starve and ruin me and my family. All which I hope this Hon. Court will duly consider and order my reparations. *GEORGE CLEEVES."*

"The Deputies conceive in answer to this petition, that the county court of York next are hereby ordered to examine the grounds of these complaints exhibited against Mr. Jordan, and proceed therein as they shall judge meet according to lawes here established."

This order was entered at the October session in 1662, at which the petition was probably presented ; but what was the final result of the complaint, the records do not disclose. Jordan, Jocelyn and others before the next court had seceded from the authority of Massachusetts and set up a jurisdiction under Ferdinando Gorges, the grandson of Sir Ferdinando, who after the restoration of Charles 2nd. had procured from the king a favorable notice of his title, and letters to the inhabitants, requiring them to submit to his government.

These representations would make it appear that Cleeves' fortune was at this time at a low ebb, he seems to have been deprived of property and friends, and was living to behold himself turned out of the last acre of the large domain of which he was once the owner, and over which he formerly ruled. But the circumstances show

that his case was not so piteous as he would represent it. It appears that he was chosen one of the commissioners of the town in 1659 and 1662 ; and in 1663 and 1664 he was the Deputy from Falmouth to the general court. He probably would not have been noticed in this manner, had his affairs been so desperate as they appear in his own representations. There was a strong party undoubtedly against him ; he had made himself unpopular, partly perhaps by the violence of his temper, and partly by the zeal with which he pursued his landed interests. It appears by the record of the county court in 1659, that at the same time that he sued Jordan for disturbing his possession, he brought actions against Francis Small for presuming to build and settle on his land, and felling timber without his leave, and against John Phillips for trespass. These suits probably related to land which the defendants claimed under Indian deeds at Capisic ; Cleeves was unsuccessful in them both. At the same court he was sued by Thomas Elbridge, who lived at Pemaquid, in two actions, one for defamation, the other for assault and battery. In the first case, the jury returned a verdict against him for £50, and also that he should make an acknowledgement of his offence when the court shall appoint ; which the court ordered to be in presence of the court and at Casco the next public town meeting. He was also presented for denying to vote for magistrates, &c. These contradictory circumstances, appointments to public office, and open condemnation in court, indicate a most unsettled state of society, if they do not on the whole leave a shade upon the character of Cleeves. And the inference cannot be resisted, that a state of party existed here at that time as virulent and bitter as has been witnessed in any subsequent stage of our history.

CHAPTER 4.—1660.

Petition of the inhabitants against the claims of Cleeves and Jordan—The freeman petition the Gen. Court—Islands belonging to Falmouth—New settlers, Munjoy, Wakely, Coe, Brackett, Clarke, Felt, Closie, &c.—Mitton's death and family.

WHILE the large proprietors were contending for the title to the lands lying between the Presumpscot and Fore rivers, the tenants and other inhabitants were not free from trouble attendant upon the controversy. In 1660, a part of the inhabitants sought the aid of government to protect them from the inconvenience which arose from these conflicting claims, and at the May session of the general court, they presented the following petition which sets forth their grievances.

“To the Hon. General Courte now assembled at Boston, 30 May 1660, the humble petition of some of the distressed inhabitants of the town of Falmouth.

“The humble desire of your poore petitioners hoping that you will take it into serious consideration, our present condition that we stand in, in respecte of the pretended patenes and clames that Mr. Robert Jordan and Mr. George Cleeves laies clame to, so that much trouble cometh to us, suing men to Cortes, as witnes the many sute and actions at Cortes and are still goen on against us and other tretened against, so that we are much destracted in our afares and know not what we shall doe in thes our trobles, only our prayers are to God and you, that you would be pleased to consider our condition and distractions that we are in, and that it will be the overthrow of thes hopeful beginenes that is amongs us. God begun to answer our prayers, and to send us a faithful dispenser of the word to us for which we desire to bles God for and we hope shall enjoy, if these destractions doe not discourage him, therefore our ountbell request is to this onered assemblie that you would be pleased to take it into consideration our present condition, for if that Mr. Jordan's paten and claim hould with Mr. Cleeves, the town is overthrown and noe man shall enjoy what he hath labored uppon and possessed, unless it be uppon ther terms, and at ther wills and pleasures, but we hope that we shall enjoy our priveleges and town affairs with the rest of the

towns in the jurisdiction, thes not to trobele your oners noe farther, but leave the case to God and you, hoping for a comfortable answer, We remain yours in all faithfullness. George Ingersoll, George Lues, Joseph Phippen, Nathaniel Wallis, Thomas Cellen (Skillin) Houmphry Durham, John Walles, Nicholas Wite, Plinchas Rider¹."

What was the result of this petition, does not appear ; it is probable that the contentions referred to had the effect, as Cleeves suggested in his memorial, not only of preventing persons from entering upon his grant, but even of driving from the debateable ground some of those who had already settled upon it. Of the above petitioners, who it would seem, all lived upon the disputed territory, four of them at least, removed from it to other parts of the town, viz. Phippen, Durham, White and Rider. The petitioners include all the inhabitants on that territory, except Martin, Corbin, Phillips, Munjoy and Cleeves' family. Munjoy seems to have bought his place of Jordan, by taking a deed from him of 10 acres on the Neck "near unto the now dwelling house of Mr. George Cleeves ;" Jordan warranted the title against the claims of Trelawny and all other persons ; the deed is dated August 24, 1660. The next day, mutual releases passed between Jordan and Michael Mitton, relative to land upon the Neck² ; by these, it would seem that Munjoy and Mitton were willing to admit that Jordan either had title, or a colour of title on this side of the river.

Although in practice we are confident that Jordan never occupied any territory north of Fore river under the Trelawny title ; yet this unhappy controversy so vexatious to the inhabitants and productive of so much evil to the parties themselves, was never determined by a judgment of court. While it was raging at its highest point, a temporary separation took place from the government of Massachusetts, during which the feeble administration of the laws, and the balanced state of parties prevented, we may presume, a judicial investigation of the subject ; and when the jurisdiction of Massachusetts was again restored, Cleeves was probably dead. The Indian troubles soon after commenced, in which Jordan fled never to return ; after that time we hear no more of the controversy, until the resettlement in 1718, when Jordan's grand children revived the claim : it was

¹Mass. files.²Y. Rec.

finally adjusted in 1729, by compromise with the town of Falmouth, when Dominicus Jordan released for a grant of 200 acres all title "from himself, his heirs and all and every other Jordan whatsoever" in any land "between the rivers".

Soon after the jurisdiction of Massachusetts was established, the inhabitants of the town undertook to exercise ownership over some part of the lands claimed by Cleeves. Nor was he the only one of the large proprietors who was exposed to injury from the effects of Agrarian law, which the people seemed disposed to adopt. Complaints were made to government in 1660 by Cleeves, and large land holders in Saco, John Bonighton, Richard Foxwell and William Phillips, "craving the help of the court for settling their respective interests and possessions in the east parts of this jurisdiction." The general court appointed a committee to repair to Saco, and investigate the facts. This committee adjusted the controversy between Phillips and the inhabitants of Saco, and recommended that a division should be made of the Bonighton patent; they thus close their report: "And as for the complaint of Mr. George Cleeves, when we were at Saco attending the general court's before mentioned order. His writings and evidences were not present, therefore we can make no certain return thereof, but judge meet, The townsmen of Falmouth be ordered not to dispose of any lands, which are within the boundaries of the patents or grants of the said Mr. George Cleeves until this court take further order therein;" dated Oct. 25, 1660².

The terms on which Cleeves lived with a part of the inhabitants, may be gathered from a petition, which they sent to the General Court about this time; it has no date, but internal evidence fixes it upon this period; "To the Hon. Gen. Court of the Mass. or whom els it shall or may concern, the humble petition of divers inhabitants and freemen of Falmouth, humbly sheweth,

That whereas there hath been a sad contention in these parts concerning government, Your petitioners most of them living upon their labour, and desirous rather to live in peace and learne to be obedient and submit to what government it shall please the Lord and our sovereign to appoint over us, than to contend or determine who our governors shall be, yet there hath latelie certaine men appeared

¹Town Rec.²Y. Rec.

in our names att' ye Hon. Gen. Court, and as we are informed, presented a petition which was without our consents or knowledge, for had ye government been settled and that we could have acted with freedom of spiritt wee would never have dishonoured the Hon. Gen. Court with men of such lives and conversations, as are first *George Cleeves*, who is upon record for breach of oath and accused of forgery. *Mr. Phippen* not many days before his departure was beating and drawing of ye blood of his Majesties subjects and stands upon record for slandering ye deputie governor and was always a man of contention and strife since he came in our parts. *John Phillips* hath acknowledged himself guilty of keeping a woman which is none of his wife this 14 years. These men cam in your names and exercise authoritie over us with many soare threatenings, wherefore our humble request is, That if itt please the Lord to continue us still under your government, you would be pleased to grant us the liberty that other of his Majesties' subjects have, and you by Article granted, yt is freedom to vote for our officers and not such men imposed upon us, and we shall ever pray, &c. Francis Neale, Jane Macworth, widdow, Nath. Wharfe, Robert Sandford, Sampson Penley, Francis Small, Richard Martin, George Felt, Thomas Sandford, John Winter, Robert Corbin, James Andrews, Benja. Hatwell, John Cloyes, Edw." (This last name I cannot decypher). Then follows, "There is butt 12 or 13 freemen in our towne according to ye Article of freemen in our submission to ye government, 6 of whom have subscribed hereunto, and 5 voted for governor and other officers, yet there are several who say they are free, butt we know it note, and most of us would have voted if we had had warrants as formerlie, to command us so to doe¹."

In 1664, Cleeves made the following explanation relative to his grants: "Whereas I, George Cleeves, of Falmouth, Gent. have by virtue of a patent granted from Sir Ferdinando Gorges, and also from Alexander Rigby, granted several parcels thereof unto sundry men as per deeds given under my hand appeareth, and the bounds in said deeds are to run from the water side northwest—Now to prevent any mistakes in any of the said bounds, and any future trouble among neighbours, it is therefore hereby declared my intent is and ever was when I granted any of said lands that the bounds should be north-

¹Mass. State files.

west as direct as may be, excepting the Back Cove grants are to run a little more westerly, to run right up the country to those bounds there, and all other, though expressed northwesterly, according to sea affairs, yet I meant, and is the true intent, according to the husbandman's account, who knows but eight points of the compass, which this northwesterly or northwest is one, and this I do assert to be a truth, as witness my hand this 12th day of April, 1664, by me, George Cleeves¹."

We will now briefly notice the titles to some of the islands within the limits of ancient Falmouth. The names are *Clapboard*, *Chebeag*, *Jewell's*, *Long*, *Peak's*, *Green*, *Bang's*, *Hog*, *Cow*, *House*, *Marsh*, *Overset*, *Mackey's*, *Ram* and *Richmond's*².

We find no early conveyance of the lower Clapboard island, nor are we able to say by whom or how early it was occupied ; it contains about 30 acres and lies about a mile from the shore, near the eastern line of Falmouth ; it was granted by the town to Mrs. Munjoy in 1681, as part compensation of land taken from her on the Neck for the use of the inhabitants³. The upper Clapboard is in Cumberland, and was very early occupied by Thomas Drake and his grantees. There are two islands in the bay called *Chebeag*, distinguished by the addition *Great* and *Little* ; the latter only belongs to our limits, the former is in Cumberland. Great Chebeag contains something over 2000 acres, the other about 180. In the early grants they are not distinguished ; the first conveyance of either of them which we find is from Cleeves to Walter Merry, Sept. 18, 1650 ; this grant is referred to by Danforth in a deed to Edmund

¹Y. Rec. ²The ancient names of some of the islands have been preserved as *Clapboard*, *Chebeag*, *Jewell's*, *Long*, *Hog*, *Cow* and *House* ; *Chebeag* was sometimes called *Chebaccho* and *Jewell's* *Donnell's* island, from Henry Donnell, an ancient occupant and owner, who went from York. *Mackey's* is a corruption of *Macworth*, and derived its name from its first occupant. *Peak's* was originally called by the English, *Pond island* ; *Cleeves* gave it the name of *Michael* in 1637 when he conveyed it to *Michael Mitton* ; after it passed into *Munjoy's* possession it bore his name ; his son in law, *Palmer*, after the decease of *Munjoy*, occupied it and gave it his name ; to whom it owes its present appellation, I am unable to say, it is however at least coeval with the name of *Palmer*. *Bangs' island* was originally called *Portland*, it is so named in *Hubbard*, as is also the point opposite on which the light house stands ; and the passage between them was called *Portland sound* ; the island afterward received the name of *Andrews' island* from *James Andrews*, who owned that and *Ram island* lying near it ; for its present name, it is indebted to *Joshua Bangs*, its modern owner, who came here from *Cape Cod*, and died in 1761. ³So say the depositions of *Wallis* and *Lane*, but the statement is doubtful.

White of London, in 1685, in which he recites that "George Cleeves Gent. Deputy President of the Province of Ligonía in New-England by order of Alexander Rigby, Esq. sergeant at law, and one of the Barons of the Exchequer in the kingdom of England did grant unto Walter Merry of Boston, all that small island in Casco bay commonly called Chebeag and now by the name of Merry's island¹." Whether this conveyance refers to the large or small island, we cannot precisely ascertain; it would seem to be Great Chebeag from the fact that President Danforth, in 1682, granted Little Chebeag to Silvanus Davis, which remained in his possession many years. It cannot be supposed that Danforth so soon as three years afterward would have conveyed the same island to another. July 12, 1680, Dominicus, Samuel and Jeremiah Jordan, sons of Robert Jordan, conveyed to Walter Gendall, 650 acres on Great Chebeag, which his administrator Theodosius Moore, who married Gendall's widow, claimed under a resolve of Massachusetts². This tract was on the eastern side of the island, where improvements had been made. It had probably been used as a stage for fishermen, for which purpose it was advantageously situated. In 1683, the government of Massachusetts granted or confirmed to Richard Wharton, 650 acres on the western side of the island, which his administrator, Ephraim Savage, conveyed to the Deacons of the first church in Boston, for the use of the poor, and which they claimed, calling the island Chebeag, or *Recompense* island. This latter name, however, it did not retain. In 1743, it was owned by the 1st church in Boston, and Col. Thomas Westbrook, and in that year Westbrook's half was set off on execution to Samuel and Cornelius Waldo as was Little Chebeag also belonging to Westbrook and Waldo, and derived by them from the legatees of Silvanus Davis.

¹The same island by the description of Chebeag or Merry's island was conveyed by Robert Thornton of Canton, in New-Plymouth, to Josiah Willes of Boston, Oct. 8, 1675.

²The Legislature of Massachusetts, on the 7th March 1700, passed a resolve appointing "a committee to receive and examine the claims of all proprietors of lands and of such as challenge propriety, in any of the lands lying within this province to the eastward of the town of Wells, laid waste by the late war." In 1697, an act had been passed for quieting possessions which limited all actions for lands east of the Piscataqua to five years after the termination of the Indian war then pending. In 1715, this provision was extended five years: the additional act provided "that there shall be a further time of five years, from the last of this instant July 1715, allowed all persons to pursue their right and claim, to any houses and lands in those parts and places, and every of them, and no longer." Under these provisions numerous claims were entered for lands between Wells and the Penobscot river.

Jewell's island was purchased by Henry Donnell of the Indians, and occupied by him as a fishing stage for thirty years, until driven away in the war of 1688, according to the statement of his son Samuel, who claimed it in 1710. Donnell went from York and married a daughter of Thomas Reading, an ancient inhabitant in the bay, who died previous to 1674, leaving a widow and children. Donnell gave his own name to the island, but it has not prevailed in practice ; its first name was probably derived from George Jewell, an early inhabitant of Saco, who was drowned in Boston harbour in 1638. It was laid out by the new proprietors of Falmouth to John Tyng, under whom it is now held.

Long island contains 650 acres, and was early taken up by John Sears, but at what particular time we are unable to determine ; he was an inhabitant of the bay before 1646. In June 1655, Sears sold this island to Isaac Walker of Boston, who in August 1667, conveyed it to Richard Russell of Boston. It was confirmed by Massachusetts in 1683, to James Russell, son of Richard, who conveyed it to John Smith of Boston in 1706. We have lately found it called Smith's island in an old map of Casco bay, published in London, without date, but probably in 1702 or 1703.

We have often had occasion to notice *Peak's island* ; from its vicinity to the town, and the goodness of its soil and situation, it early attracted attention ; it was conveyed by Cleeves to his son in law Mitton, Dec. 28, 1637, confirmed to him by Thomas Gorges in 1652, and again by Cleeves, as Rigby's agent, in 1650. Mitton's widow transferred it to John Phillips in 1661, by whose son in law Munjoy, and his son in law John Palmer, it was occupied many years, and was said to have been given to Palmer's wife Mary, by her grandfather Phillips. Munjoy erected a stone house upon the island before 1675. This island became the fruitful mother of law suits in modern times, it having been claimed by the posterity of Mitton, and by persons who purchased Phillips' title from the heirs of Munjoy. And it is believed now to be held under both titles by a sort of compromise ; the Brackett branch of the Mitton family occupying part of it, and the grantees under Phillips the remainder.

Bangs' island was owned by James Andrews before the first Indian war, and was called by his name ; but how he derived his title we have no means of determining ; it was confirmed to him by

President Danforth, July 18, 1682. Hannah Hallom of Boston, 1733, testified that she lived in Falmouth in 1667, and "well remembers that said Andross improved a certain island in the mouth of Casco harbour, which was called Andross' own, and she never knew or heard any other person claim said island or question said Andross' title thereto." Joshua Brackett, in a deed of *Peak's island* to his son in law Trott in 1762, described it as "lying between *Anders*, Hog, Long and House islands." May 17, 1698, Andrews conveyed this island, which he called *Portland* island, and the small one adjoining it, called *Ram* island, to John Rouse of Marshfield; Rouse claimed it under the resolve of Massachusetts before referred to, and afterwards conveyed it to John Bourne of Marshfield. This island was also called *Fort* island, probably from its having been a place of retreat from the Indians in 1676, when a fort was hastily thrown up there for protection; there are now remaining the ruins of a stone building upon the island.

Hog island was granted by Gorges to Cleeves and Tucker in January 1637; in May 1658 Cleeves conveyed it to Thomas Kimball of Charlestown, who, with Henry Kimball, sold it to Edward Tyng of Boston, for £25, July 24, 1663. He conveyed it to his daughter Eunice, wife of Rev. Samuel Willard, Sept. 1679. Elizabeth Clark, granddaughter of Cleeves, and mother in law of Edward Tyng, testified in 1728, "that Phillip Lewis, lived a considerable time on the said Hog island, as tenant to Mr. Tyng her son in law, received money several times of the people of Falmouth, for feeding their creatures on the said island'." This beautiful and valuable island containing about 250 acres is held at the present day under the ancient title. Through all the changes of its owners it has preserved its original name, which although not very classical, is a more common name for islands, than any other upon our coast. *Cousins' island* in North-Yarmouth, was anciently called Hog island, and by the Indians Sussussong, but the name of its first white proprietor has prevailed over them both.

House island was very early improved by persons engaged in the fishing business, for which its eligible situation peculiarly adapted it. In October, 1661, "Nicholas White, of Casco Bay, planter," sold

¹Essex Co. Rec. This fragment was furnished me by Wm. Gibbs, Esq. of Salem, a descendant of Edward Tyng, to whom I am indebted for some other particulars from the records of that county.

to John Breme, "now in the same bay, fisherman," for £5. 3. all his interest in House island, being one quarter part, with one quarter of the house ; but reserved liberty for Sampson Penley to make fish on said island during his life, and to have the refusal of the purchase, if Breme should sell. In 1663, Penley levied an execution against Joseph Phippen upon one quarter of the island, half of the old house and all of the new house, together with half of the stages ; and in March of next year he sold his whole interest in the island to George Munjoy. In November, 1663, Wm. Noreman, "resident in Casco, fisherman," sold to George Munjoy quarter of the island and quarter of the house upon it. Munjoy seems now to have acquired the whole title, which was confirmed to his widow in 1681 by Pres. Danforth, and descended to her heirs under whom it is now held. White, after selling his interest in the island, moved further up the bay, and we afterward find him in North Yarmouth, then called Westcustogo. Phippen probably used the island until dispossessed by Penley ; he lived at Purpooduck. We do not meet with the name of Noreman after this occasion ; he was probably a transient person. Richmond's island, we have before sufficiently noticed ; the other islands, the Green, Cow, Marsh, Overset, and two small ones called the Brothers, which belong to the Macworth property, are of small extent, and not of sufficient consequence to claim particular attention.

In 1663, the court at York, consisting of two commissioners specially appointed by the general court, and the associates of the county, passed the following order relative to the islands : "We, by virtue of commission to us granted by the general court of Massachusetts, do grant that all the islands in Casco bay, lying within the jurisdiction of the government of Massachusetts, and within the limits of the breadth of the lines of the town of Falmouth, eastward into the said bay shall belong and are hereby ordered to be within the said town and under the government thereof, and bear town charges in proportion with other inhabitants there, saving the propriety of each person in every of the said islands, with Richman's island."

The extension of the laws and jurisdiction of Massachusetts over this territory had an important influence upon its settlement and prosperity. Hitherto we may presume that no permanent code of laws

had been established, the records furnish no indication of the kind : but temporary ordinances were framed, as they were called for by the wants of the people and the emergency of the occasion : and the execution of these must have been inefficient and fluctuating. But when the laws of Massachusetts were introduced, sanctioned by her example and power, and enforced with rigour ; security was afforded for the enjoyment of property and civil privileges. Persons were encouraged to migrate to this province from the neighbouring colonies, by the prospects which were furnished in the facilities for fishing, for agriculture and trade. Among those who were drawn here at that time, was *George Munjoy*, a man of education and enterprise, and who united with these advantages the command of a capital, which enabled him to exercise an extensive influence over the prosperity of the place. He was the son of John Munjoy, of Abbotsham, in the county of Devon, Eng., and was born in 1626. At the age of 21, in 1647, he was admitted a freeman of Massachusetts, and soon after married Mary, the only daughter of John Phillips, deacon of the first church in Boston, and a respectable merchant ; his eldest son, John, was born April 17, 1653, in Boston, as were also George in 1656, and Josiah in 1658 ; his other children were Pelatiah, Hepzebah, married to Mortimore, and Mary, his eldest daughter, married to John Palmer ; the date of her birth we have not ascertained, but it was probably before that of John ; the other two we suppose were born in Falmouth. Munjoy had visited Falmouth as early as 1657, as we perceive by his signature as a witness to several deeds, but he did not settle here until after May 1659 ; for in an agreement entered into in that month, he is styled of Boston. His father-in-law, in Sept. 1659, purchased Cleeves' homestead at the lower end of the Neck, and erected a house for him upon a part of the land ; this continued to be his residence during his abode here, although he subsequently purchased a large tract of land on the Presumpscot, at Ammoncongin, and a farm of 400 acres on the northerly side of Long Creek, both of which he improved for several years immediately previous to the first Indian war.

Beside Munjoy, there came in 1661, the three *Wakelys*, *Thomas*, *John* and *Isaac*, and *Matthew Coe*, who married a daughter of Thomas Wakely. They came from Gloucester, Cape Ann, and settled at Back Cove, on 200 acres, purchased of Richard Tucker,

west of Fall brook. Mather, in his *Magnalia*, speaking of Thomas Wakely, says, "Now this honest old man was one who would often say with tears, that he believed God was displeased at him, inasmuch as albeit he came into New England for the sake of the gospel, yet he had left another place in the country where he had enjoyed the gospel in the communion of a gathered church, and now lived many years in a plantation where there was no church at all, nor the ordinances and institutions of the Lord Jesus Christ."

John Wakely the son, afterwards settled upon the east side of Presumpscot river, below the falls; Matthew Coe died before the war, leaving several children, John¹, his eldest son, Isaac, Martha, married to a Farnum, of Boston, Elizabeth, married to a Tucker, of Roxbury, who were both widows in 1731, and another daughter, married to Joseph Ingersoll, one of our early settlers.

Two other persons, one of them of great influence in the subsequent affairs of the town, came here about this time, *Anthony and Thomas Brackett*. They were brothers, and came from that part of Portsmouth, in N. H. which is now called Greenland. We first meet with Anthony's name in 1662, as a witness to the delivery of possession of the Bramhall farm to Hope Allen, June 3rd of that year; he married Ann, the daughter of Michael Mitton, and occupied the 100 acres granted to her by George Cleeves, at Back Cove. He subsequently enlarged his farm to 400 acres, including 100 acres which belonged to Michael Mitton and his son Nathaniel, Durham's 50 acres, and two lots of 55 acres each which belonged to Ingersoll and Rider. His brother Thomas married Mary, another daughter of Michael Mitton, and occupied the homestead on Clark's point, having entered into covenants in 1671, to support his mother-in-law² during her life.

¹John Coe moved to Rhode Island, his son John was a cordwainer in Little Compton in 1731, and is undoubtedly the ancestor of Dr. John Coe, late of this town.

²There were at least two distinct families of Brackett early settled in New England, one in Boston, the other in Portsmouth. Richard was the head of the Boston family, he was admitted freeman in 1636, moved to Braintree in 1642, and the same year was ordained deacon of the church there. He died in 1689, having had seven children, 4 sons and 3 daughters. There were others who did not belong to Richard's family; the name was common in Boston and the vicinity in those days, and sustained a respectable standing. The first of the name we meet with in New-Hampshire is William, who was sent by Capt. John Mason to Piscataqua, in 1631, among "his stewards and servants." May 25, 1640, *Anthony Brackett*, one of the inhabitants of Portsmouth, signed a deed of Glebe land to the church wardens for a parsonage. This person, I conjecture to be the father of Anthony and Thomas, who came here, and whose descendants are widely scattered over the State.

Thaddeus Clarke, who married Elizabeth, also a daughter of Michael Mitton, appears for the first time in our records in 1663; he was then married, but could not long have been, as his wife at this time was but 18 years old. The record referred to is an assignment to him of the deed from Cleeves to Mitton of the 100 acres at Clarke's point; it is dated March 1, and is as follows, "These presents witness that I, Elizabeth Mitton, late wife to Michael Mitton, deceased, in consideration that Thaddeus Clarke married my daughter Elizabeth, I do by these presents grant, give and make over all my right, title and interest in the lands within mentioned, unto the said Thaddeus Clarke, his heirs¹, &c." We do not know where Clarke originated, or when he came here: the Rev. Timothy Alden, in his notice of the Tyng family, says Clarke came from Ireland, but he does not say when, nor does he give any authority for the statement.

Beside those before mentioned, the following persons appear to have been inhabitants of the town previous to 1670, viz: *John Cloice, Robert Elliott, Lawrence Davis, George Felt, Walter Gendall, John Guy, John and Joseph Ingersoll, Phillip Lewis, Michael Madiver, Robert Nichols, James Ross, John Skillings, Ralph Turner, Wm. Whitwell and Jenkin Williams*—of whom Elliott, Davis, Gendall, Guy, Madiver and Turner settled upon the south side of Fore river; Cloice and Nichols on the west side of Presumpscot river, Lewis, Ross and Skillings at Back Cove, the two Ingersolls near the narrow of the Neck, their farms stretching westerly toward Capisic; Whitwell on the Neck, near Robinson's wharf, and Williams on the east side of Presumpscot river, near Scitterygusset creek. The father of George Felt was one of the first settlers of North Yarmouth, having established himself at Broad Cove about 1640; here he built a stone house, made improvements and raised a family. His son George was concerned in a large purchase of the Indians in 1672, of land on the northeasterly side of the Presumpscot; he married a daughter of Jane Macworth, and joined the freemen of Falmouth in a petition to the general court about 1660. He had a brother Moses born in 1650, who lived in North Yarmouth and Falmouth until 1690, with the exception of the Indian war, and was living in Chelsea in 1733, aged 83 years².

¹Y. Rec. ²George Felt sen'r. was born in 1601, and was living in Malden 1688, aged 87; in a petition to Andross 1688, he stated that about 18 years

John Cloice probably came from Watertown, in Massachusetts, with his family ; he was here in 1660 ; his first wife's name was Abigail, his second, Juliann. His children by his first wife, born in Watertown, were John, August 26, 1638 ; Peter, May 27, 1640 ; Nathaniel, March 6, 1642 ; Abigail married to Jenkin Williams, Sarah married to Peter Housing, and Thomas born of the second wife. The name is not found here now, nor in the vicinity, the last person who bore it in town was Thomas, who was killed by the Indians in 1690, leaving two sons Thomas and George, and a daughter Hannah ; Thomas moved to Boston and George to Salem.

An active, hardy and enterprising population was fast spreading over the town, clearing up the forests and opening the soil to the face of day. The children of the first settlers were coming forward on the stage, and we find even at this early period, that town born children were arriving at the age of maturity and becoming themselves the heads of families. The deaths of adult persons as far as we have been able to ascertain were few, Winter and Macworth alone occur previous to 1660 ; we have now to notice in the latter year that of Michael Mitton. Mitton's last act was his release to Jordan before mentioned, dated Aug. 25, 1660 ; his widow alone *acknowledged* the deed, and Oct. 7 of the next year, she alone conveyed Peak's island to John Phillips. We have supposed that Mitton came over from England with Cleeves in 1637, for in that year he makes his first appearance upon our soil as the grantee of Peak's island. The time of his marriage with Cleeves' only child Elizabeth, cannot be precisely ascertained ; their daughter Elizabeth was born in 1644, she gave her deposition in Boston in 1735, in which she testified that she was about 90 years old ; their daughter Anne was probably the eldest ; she signed as witness, a deed from her grandfather Cleeves to her father in 1651. They had five daughters and one son, whose names were as follows : Anne, married to Anthony

before he had bought a plantation or farm of John Phillips of Boston, at a place called great cove, in Casco bay, containing about 2000 acres, for which he paid £60, that he had occupied it about 3 years before the purchase ; that after the Indian war, it was withheld from him by Casco people, and he being impoverished could not recover it ; that he was then suffering for want, being about 87 years old. In 1727, Moses Felt in a deed to a committee of North-Yarmouth of 300 acres on broad cove, recited that his father, Geo. Felt, bought said land of John Phillips of Casco bay, and afterwards again purchased it of the agent of Sir F. Gorges about the year 1643 ; that said Felt built a house on this land and lived in it above 40 years without molestation until 1684. North-Yar. Rec.

Brackett, Elizabeth, to Thaddeus Clarke, Mary, to Thomas Brackett, Sarah, to James Andrews, and Martha to John Groves, who lived in Kittery first, and subsequently in Little Compton ; last, Nathaniel, who was never married. The name is now extinct in this country, but his blood in the female line flows over the whole State, and is not confined to it. Mitton is styled in conveyances, Gentleman, a title which had not lost all its meaning in that day ; in 1640, he was appointed by the first general court in the Province, constable of Casco, an office of respectability in our early history : John Jocelyn says of him, "the gentleman was a great fowler." Mitton's character partook of the licentiousness which prevailed throughout the Province in the first stages of its history ; and one transaction which is recorded, must ever leave a perpetual stain upon his memory. Richard Martin, an early inhabitant of Casco, was the father of two daughters, whom, being about to return to England to arrange his affairs, he left in the family of Mitton. During their residence of several months with him in 1646, he insinuated himself into the favor of the eldest, named Mary, whom he seduced. She afterwards went to Boston and was delivered of a bastard child, of which she confessed Mitton to be the father ; overcome with shame, she endeavoured to conceal her first crime by the commission of a more heinous one in the murder of her infant. For this she perished upon the scaffold, at the early age of 22 years, in March 1647¹.

The want of a regular government east of the Piscataqua for many years, encouraged a laxity of morals which did not prevail in any other part of New England. We meet upon the records with numerous and frequent complaints of adultery and fornication, the parties in which escaped with a small fine or other slight punishment².

The widow of Mitton, a few years after his death, married a Harvey, an undistinguished man, who died before her, leaving her a second time a widow ; she died herself in 1681.

¹2 Winth. 302. ²The commissioners of the king in the Report of their doings here in 1665, speaking of the people *east of the Kennebec*, say, "those people for the most part are fishermen, and never had any government among them ; most of them are such as have fled from other places to avoid justice. Some here are of opinion that as many men share in a woman as they do in a boat, and some have done so."

CHAPTER 5.—1659—1665.

First Court under Massachusetts—State of religion in the town—Deputies—Courts—Pay of jurymen—Highways—Prison—Abraham Preble—Opposition to Massachusetts—King's Commissioners suspend the authority of Massachusetts—Memorial from Casco—Return of the commissioners.

THE first court held after the submission of Falmouth and Scarborough, of which we have any record, was at York, July 4, 1659. Massachusetts sent two of her magistrates to preside at this court, who were assisted by Major Nicholas Shapleigh¹, Mr. Abraham Preble² and Mr. Edward Rishworth², local magistrates. Several actions were entered by and against persons living in the eastern part of the county, as we have before noticed. George Lewis was appointed constable for Falmouth, and Henry Jocelyn³, Robert Jordan, George Cleeves, Francis Neale and Henry Watts³, commissioners for Falmouth and Scarborough.

The care of the morals of the people and the promotion of religious instruction among them, early and steadily occupied the attention of the government after they acquired a jurisdiction over the Province. They wished however to instruct in their own way, and to have the people conform to their modes of thinking and practice on religious subjects. The following order relative to Falmouth was passed at the first court: "This court, being informed that the inhabitants of Falmouth are at present destitute of any public means for their edification on the Lord's day, and by reason of the people not meeting together for their mutual furtherance in the ways of God, great advantage is given unto the common enemy, joining with the corruption of such as have no delight to sanctify God's holy rest, the neglect whereof being an inlet to all profaneness, and cannot but be provoking to the jealousy of him who is the fountain of our peace and welfare: for the prevention whereof these are therefore to require all the inhabitants of the said place from time to time in one or more convenient place or places to meet together on the Lord's day, for their mutual edification and furtherance in the knowledge

¹Of Kittery. ²York. ³Jocelyn lived at Black Point, and Watts at Blue Point on the opposite side of the river; Watts was born in 1604, was in Saco as early as 1631, and was living in 1684.

and fear of the Lord, by reading of God's word, and of the labours of known and orthodox divines, singing of Psalms, and praying together, or such other ways as the Lord shall enable them, till the favour of God shall so far smile upon them as to give them better and more public means for their edification."

It appears by a petition of the inhabitants to the general court, which we have before noticed, that in the May following the date of this order, they had a preacher among them; they say, "God begun to answer our prayers and send us a faithful dispenser of the word," which, they add, they hoped to enjoy, if "their distractions doe not discourage him." He was probably with them in 1661, for the general court in that year, require Saco, Scarborough and Wells, to procure able and orthodox ministers in six months time, but say nothing of Falmouth. This, without doubt, is the only preacher they had been favoured with, beside those of the Episcopalian order, Gibson and Jordan; but it appears that he did not stay long among them, for in July 1669, the court order Falmouth and Scarborough both, "forthwith to seek out and provide themselves of an able and orthodox preacher to be their minister, and in case of neglect to supply themselves by the 20th day of Sept. next, they shall each pay unto the ministry of the next town adjoining to theirs that is supplied, £50 per an. during their being destitute."

Falmouth probably obeyed the above order, as next year Scarborough alone is presented for not complying with it. But who the preacher was on either of these occasions, no record furnishes us with the slightest intimation¹. A majority of the inhabitants consisted of emigrants from the Massachusetts and Plymouth colonies, and were therefore favourable to the puritan form of worship; the government used their utmost exertions to discourage every other sect. Although a few of the old settlers retained their original principles, the *religion of the State* enforced by rigorous laws, became from this time the predominant religion of the province. The government of Massachusetts was certainly influenced by a sincere desire to reform the morals of the people, and to preserve purity of worship; they earnestly desired that all the ordinances of religion should be strictly observed, but it may well be doubted whether by

¹Thomas Senner, who was preaching in Saco in 1641, mentions in a letter to Gov. Winthrop, found in Hutchinson's collections, dated April 16th of that year, that he had been solicited by the inhabitants of Casco to help them to a godly minister. It does not appear that any was furnished.

their over rigid discipline and exclusive zeal, they did not do injustice to their liberal professions and to the cause which they were earnest to promote. The following injunction against Jordan adopted by the general court in October 1660, does not seem to aim at any corruption or immorality, but only at the form under which the ordinance was administered. "Whereas it appears to this court by several testimonies of good repute, that Mr. Robert Jordan did, in July last, after exercises was ended on the Lord's day, in the house of Mrs. Macworth, in the town of Falmouth, then and there baptize three children of Nath'l Wallis, of the same town, to the offence of the government of this Commonwealth, this court judgeth it necessary to bear witness against such irregular practices, do therefore order that the secretary, by letter in the name of this court, require him to desist from any such practices for the future, and also that he appear before the next General Court to answer what shall be laid against him for what he hath done for the time past¹."

Among the complaints against Massachusetts, made to the king's commissioners in 1665, the following are noticed: "They will not admit any who is not a member of the church to communion, nor their children to baptism."

"They did imprison and barbarously use Mr. Jordan for baptising children as himself complained in his petition to the commissioners."

The exercise of this exclusive sectarian spirit by that colony, had been successfully employed against them, by their enemies in England after the restoration of Charles; and the king in his letters to the government and his instructions to the commissioners, insists upon a reformation and a more liberal practice in that particular. This order was treated with a dexterity which that government ever exercised in its negotiations with the home government; and was evaded in a manner, that did not seem openly to violate the king's command's, while no material relief was afforded to those who were oppressed by the existing laws.

In Sept. 1659, a court of associates was held at Scarborough for the county by Henry Jocelyn, Nicholas Shapleigh, Robert Jordan, Edward Rishworth and Abraham Preble. It had been previously arranged that one court should be held yearly in the eastern part of the county, and another in the western. It does not appear that Cleaves who had held the first place in the former government ever

¹Mass. State Rec.

arrived at the honour of being chosen one of the associates of the county ; these were a higher order of magistrates and the judges of the county court. The provision of law seems to have been that they should be nominated by the freemen, and appointed by the general court¹. But by the practice in this county, they appear to have been chosen annually by the freemen, whose votes were returned to the county court. Cleeves however was repeatedly chosen one of the commissioners for Falmouth, and approved by the court. These officers were elected annually, and exercised a power similar to that of justices of the peace. He was also the first person chosen a deputy from the town to the general court. By the articles of submission the two towns of Scarborough and Falmouth were required to choose one deputy at least, and had the privilege of being separately represented if they wished. In 1659, Edward Rishworth of York, appears as the representative of Scarborough, but he was probably selected by the two towns ; it was not then required by law that the deputy should reside in the town which he represented. Next year Henry Jocelyn of Scarborough was chosen deputy ; after that, neither town seems to have been represented until 1663, when Cleeves is chosen, and again the next year. They are unrepresented from this time until 1669, during which the authority of Massachusetts over the province was suspended. In the latter year, Richard Callicot, who first lived in Dorchester, and afterward in Boston, appears as the representative of Falmouth, and next year our inhabitant Francis Neale is chosen deputy ; he is the last representative sent from Scarborough or Falmouth to the general court of Massachusetts until the organization of the government under the charter of 1691. But part of this time, viz. from 1680 to 1686, the province was governed by a local administration consisting of a president, and a general assembly in which each town was represented.

The associates for the county in 1660 and 1661, were Henry Jocelyn, Robert Jordan, Nicholas Shapleigh, Abraham Preble and Edward Rishworth ; the following notice is added to their names in the year 1660, “ chosen associates by the votes of the major part of the freemen of this county for the year ensuing ;” Abraham Preble

¹Col. laws. 91.

was chosen treasurer¹. The commissioners for Falmouth in 1661, were Robert Jordan, George Munjoy and Francis Neale ; Joseph Phippen was appointed constable. At the July term of the court this year at York, it was ordered that jurymen should have 3s. a day and pay their own charges, and be allowed for travel at the following rates : one day's pay for each day's travel in going to and returning from court ; the time allowed for this purpose from the respective towns was as follows : Falmouth 5 days, Scarborough 4 days, Saco 3 days, Cape Porpus two and a half days, Wells and Kittery each two days. Some idea may be formed of the state of the travelling in the province, when one day was allowed to go from Wells to York, now passed over in two or three hours.

In 1653, the commissioners at Wells, who received the submission to Mass. of Wells, Saco and Cape Porpus, ordered that the inhabitants of those towns should make " sufficient highways within their towns *from house to house*, and clear and fit them for foot and cart, before the next county court, under the penalty of £10 for every town's defect in this particular, and *that they lay out a sufficient highway for horse and foot between towns and towns within that time*." From this it would appear that no roads existed at that period from town to town, and Sullivan says², that the commissioners could get no farther than Wells for want of a road to travel in.

²Abraham Preble died in 1663, and in July of that year, administration was granted to his widow Judith. Mr. Preble, the ancestor of all of that name in this State, emigrated from Scituate, in the old colony* ; he was one of the first settlers of that place, being mentioned among its inhabitants in the year 1637. His wife was a daughter of Nathaniel Tilden, also of Scituate, the ancestor of the Tilden family now living in Boston. We do not meet with him in this State before 1642 ; in that year he purchased a tract of land at York, of Edward Godfrey, and in the deed they are both styled of Agamenticus. He soon rose into consideration, and sustained during the remainder of his life some of the most honorable and responsible offices in the Province. As early as 1645, he was one of the counsellors or assistants in Sir Ferdinando Gorges' government, which office he continued to sustain until its dissolution ; under the succeeding brief sway of Godfrey, he was a member of the general court, and held the first military appointment with the title of Major ; and when Massachusetts extended her jurisdiction over the western part of the Province, in 1652, Mr. Preble was selected with " the right trusty Mr. Edward Godfrey, Mr. Edward Johnson, and Mr. Edward Rishworth," a commissioner to hold county courts, attend to the execution of justice, commission military officers, and perform other services of a responsible nature. He left several children, one of whom, Abraham, filled important offices in succeeding years. Benjamin, the second son of the second Abraham, was the father of Brigadier Preble, the first of the name who came to this town, and whose posterity continue among us ; Judge Preble, minister to the Hague, originated in York, from another branch of the same family.

¹ Sullivan 365, ²p. 355.

*Farmer's Reg.—Bayle's Memoir of Plym. Col.

Communications at that time were probably made by water ; all the settlements being upon the coast or on the banks of the rivers. In 1669, Falmouth and Scarborough are presented to the court for not making their roads passable. In 1673, the towns lying between Wells and Falmouth inclusive, were ordered “to mark out the most convenient way,” “every town marking out their own part within their own extent.” The associates for 1662, were Henry Jocelyn, Edward Rishworth, Abraham Preble, George Munjoy and Humphrey Chadbourn ; the commissioners for Falmouth were George Munjoy, George Cleeves and Francis Neale. In the proceedings of this court, held at York, in July, we have the first notice of a prison in Falmouth, it is as follows : “John Phillips of Falmouth, accused for *suspicion* of felony, by reason of the unfitness of the *prison* to receive him, is confined to his own house as a prisoner, and engageth to appear at the next court.”

Nothing further is met with of Phillips’ case, nor do we know what gave rise to the suspicions. From the representation of the prison here made, it would appear that it was not much used ; we have no information where it was situated nor when it was erected. It must have been but a temporary structure, for in July 1666, the court appointed by the king’s commissioners sitting at Falmouth, order, “that by this time twelve month, there shall be a prison erected and set up for the eastern division of this province in some convenient place in Casco bay alias Falmouth : to which end, that it may be better effected the several towns within this division, are to make return of their estates unto the next court of Pleas holden at Casco, on the 2d Tuesday in Nov. next¹.” In 1669, the following order relating to this subject was adopted. “This court understanding that there was a course taken formerly by the consent of the country by their deputies for the building of a jail in Falmouth, which is builded as we understand by Mr. Munjoy, but the towns and persons not having paid their proportions towards it, are required to do so :” persons are appointed to take a diligent survey that the jail be finished according to covenant with Mr. Munjoy, and to appoint a

¹The proportion of this expence for Saco, was £15. 16. 11. as ordered by the deputies. Wheat was to be received at 5s. 6d. the bushel, indian corn at 3s. 6d. peas at 4s. Hist. of Sac. 151. I am not able to ascertain the ratio of other towns.

keeper. Sampson Penley was the keeper in 1671, and is then called to account for releasing Francis Morgan¹.

In 1662, the opposition to the government of Massachusetts begun to manifest itself in open hostility. Jocelyn and Shapleigh, who had been chosen associates refusing to take the oath of office, the court adjourned ; and the general court at its October session, appointed Capt. Richard Waldron of Dover, "to repair to York, at the time of the county courts' adjournment, and send for the several persons chosen commissioners by the said court, and give them their several oaths to administer justice according to law for the year ensuing." To Waldron's summons, Jocelyn and Shapleigh sent the following protest : " We, Henry Jocelyn and Nicholas Shapleigh, commissioners of the province of Maine under the authority of Ferdinando Gorges, Esq. Lord Proprietor of said province, do protest against the acts and order of the Gen. Court of Massachusetts, exhibited by Capt. Waldron at said adjourned county court, being contrary to our former articles, and a collateral agreement with our commissioners at Wells²." These and other considerable persons in the province were induced openly to avow their opposition at this time, by the support they received from the proprietor in England, aided by letters from the king, who now turned a favorable ear to the representations of the heirs of Mason and Gorges. A letter from Cleeves written at this time, fortunately discovered, furnishes us with some interesting particulars relating to this crisis³.

The letter is thus superscribed, " The Hon. Jno. Endicott, Esq. and to Rich. Bellingham, Esq. our Hon. Gov. and Deputy Gov. and to as many our Hon. Magistrates whome thes may consarne in Boston present with trust.

(By Mr. John Bateman
whom God presarve)

Evar honored Sirs

After my due respects and humble sarvis presented, thes may informe you that since your commissioners were at York we meaning

¹Robert Morgan was an inhabitant of Saco in 1636, and one of the same name lived at Sagadahock in 1665 : we know nothing of this Francis.

²Y. Rec. ³The original letter is preserved on the files in the office of State in Mass.

Mr. George Munjoy and mysele, by accident received a papar * *
* *¹ warrant from Mr. Henry Joccellen directed to John Guy constable of Falmouth, which after we had Red and considered wee thought requisite to this exact coppie here inclosed and to detain the papar untill the publication of the General Court's order was by mysele publiquely Red in the congregation, the whole towne being present the last Lord's day after meeting, at which tyme also Mr. Munjoy received the king's letter, and had not Mr. Rishworth's care been to send the Court's order in a lettarr to Mr. Munjoy, wee had been deprived of the benefit of the Court's order for we are truly in formed that the orders sent to all the towns in that county were stopped and not published neither in Saco nor Scarborough, but countermanding warrants in his Majesties' name under the authority of Mr. Gorges under the firm of Mr. Joccellen published there ; we do also understand that the pretended commissioners have appointed a meeting at Saco on the 25th day of this present November and we suppose is to see what strength they can gather and suppres your authority and to establish their pretended interest ; who have given it out that the Gen. Court have deserted the towns of Falmouth and Scarborough and that Mr. Brodstreete and Mr. Norton have desarted the whole county of York there in England and here too and thereupon all well affected in Welse and elsewhere are put to a great stand fearing that the Mass. colony doe deale double with them by reason of thes and other such like stories given out by Mr. Joccellen, who also reports that they do daylie expect Mr. Maverick with 4 other commissioners in two great friggets to countermand your authority in this your jurisdiction, but I believe the ships are not yet buylt ; wee may expect speedily Mr. Joccellen and Mr. Jordan to com to our town to see what they can doe there, but my care shall be to defeate there purposes in what I may.

"Now farther, my humble request is that you will considar of a course so to be taken with those who do deale so parfiddiously, having taken the oath of freedom and fidelity for example to othars, for the maintanance of your own honour, who have engaged to protect all the well affected in this your jurisdiction. I also desire to understand your sense whether the Gen. Court's mind was that the

¹Two words that we cannot decypher, probably they are "being a" or "inclosing a" or something similar.

offisars in that county, that was chosen and sworn under your authority should stand in their places till the tyme of newe election, or these constables chosen and sworn by Mr. Joccellen and unto that powre ; And as touching Associates wee understand that Mr. Joccellen and Mr. Preble have both refused the oath and the exercise of their places and only Mr. Rishworth and Mr. Chadbourn sworn and Mr. Munjoy not sworn, willing to submit when tendered unto him. Now I desire to know whether I may not administer the oath unto him as is directed in the Law-book, being a commissioner and appointed by the court to administer the oath of the Lord to any parson as occasion may Require, or whether any other Associates may be appointed to the number of five as also whether any other commissioners may be appointed for the two towns of Falmouth and Scarboro' in the Roome of Mr. Joccellen or any other in case of refusall, for we suppose there may be great need of a court shortly. I cannot omit to give you to understand that Mr. Joccellen doth trumpet abroad that ther are many discontented in Boston and to the westward about the king's lettars, and I fear it proseedes from a spirit that fain would raise a faction amongst us if not tymely prevented ; but I hope that the wisdom and counsell of God is with you or else who knoweth how great a flame a littell fire may kindell, all which I leave to your wise consideration humbly desiring a speedy answer if it seem good to you by some publick offisar or other safe messenger in regard of the season of the year, this craving pardon for my boldness to be so larg, commending you all to the grace of God and care Resting your faithfull and humble servant to command.

GEORGE CLEEVES.

Falmouth, November 24 '62."

The opposition to the government of Massachusetts had now taken a decided stand under the guidance of Jocelyn and Jordan, who seem to have been the most active partisans of the Proprietor ; they were joined here by Francis Neale, Robert Corbin, Thomas Staniford and others, and supported in the western part of the State by Capt. Francis Champernoon and Nicholas Shapleigh of Kittery. In 1663, the county court was held by Wm. Hawthorn and Edward Lusher from Massachusetts assisted by George Munjoy, Humphrey Chadburn and Edward Rishworth of the province. The associates for the ensuing year were Edward Rishworth, Capt. Wm. Phillips of Saco, Mr. George Munjoy, Ezekiel Knight of Wells and Roger

Plaisted of that part of Kittery, which was afterwards incorporated as Berwick. The spirit of party raged with more violence in Falmouth probably, than it did in any other part of the county ; the friends of Massachusetts succeeded in choosing two commissioners, Mr. Cleeves and Mr. Phippen, friendly to government, and in obtaining a vote to adhere to that jurisdiction. No other officers were returned to the county court, nor were any sent by Saco and Scarborough. A third commissioner elected in Falmouth was not approved by the court ; their decision on the subject was expressed as follows : “ For the election of commissioners in Scarborough and Falmouth, we determine as follows, that Falmouth who have chosen according to law, that two of them which they have chosen stand, which is Mr. Cleeves and Jos. Phippen.” Who the rejected one was does not appear by the record. Those two towns also sent attorneys to the court who declared the adhesion of the inhabitants as follows : “ These presents testify that we Arthur Augur and Francis Small attorneys for the towns of Scarborough and Falmouth to act for them according to the said letter of attorney at the county court held at York this 7th of July 1663, we do hereby declare and subscribe in behalf of our said towns and do acknowledge ourselves subject and engage to remain obedient to the laws and ordinances of his majesty as now established under the authority of the Massachusetts until his majesty otherwise command us, according as by articles we are already engaged.”

The court endeavoured to overawe the opposition by vigorous measures, and the grand jury found bills of indictment against several of the obnoxious persons. They presented Champernoon, Jocelyn, Jordan and Shapleigh for renouncing the authority of Massachusetts, using means “ for the subjecting thereof, under pretence of a sufficient power from Esq. Gorges to take off the people, which is manifest to the contrary.” They also presented Francis Neale, Thomas Staniford, Francis Small and Robert Corbin all of Falmouth, “ for breach of the oath of freedom and fidelity ;” Cleeves and Phippen the commissioners, were witnesses against them, but they were discharged. Thomas Staniford was also presented for a common swearer and a drunkard, and was fined 20s. And Francis Small for being a common liar and a drunkard ; under this case is this entry “ the court find the charges against said Small *dubious*,”

they fine him 10s. for drunkenness and discharge him with admonition. Lawrence Davis was presented for railing at the constable and for swearing, fined 10s. Robert Corbin was also presented "for making an uproar in the meeting on the Lord's day in Casco and for breach of oath to his government and for saying he would break the hedge of government : he was discharged with an admonition and the payment of officers fees. But the heaviest measure of vengeance seems to have been meted out to the ill-fated Jordan ; in addition to the above mentioned indictment, there were five others against him, which will be briefly stated. One was for saying that Mr. John Cotton¹, deceased, "was a liar, and died with a lie in his mouth, and that he was gone to hell with a pack of lies ; and the said Jordan said by the power they had they could command the Governor of Boston to assist them, and if any did rebel against their power, that they would take them and hang them or burn their houses ;" and further he said that John Cotton's books were lies, and that he had found them so. Another was, for saying that the Governor of Boston was a rogue, and all the rest thereof were traitors and rebels against the king. A third presentment was for swearing commonly by the eternal God. A fourth for breach of the oath of freedom and fidelity taken unto the government of Mass. ; the entry here is, "Mr. Jordan his actions make manifest the truth of his charge." A fifth indictment was for being "an usual liar and for raising and fomenting lies ;" "proved." The witnesses against him on the different charges were John Ingersoll, Anthony Brackett, George Cleaves and James Ross, all of Falmouth. It is evident from these proceedings that Jordan's opposition was of a violent character, into which he had probably been driven by the persecution he had received for his attachment to the church of England. We are inclined to the belief that religious differences were not the least of the causes of disaffection to the Bay government which prevailed in the province. The opinions of men formed by education and deeply rooted in their habits, are not easily surrendered even to the genial influence of argument and persuasion, much less to physical force ; despotic power may extort the service of the lip but nothing of the heart.

The opposition which now existed was sufficiently powerful to produce respectful consideration on the part of Massachusetts, who

¹Mr. Cotton had been the minister of the first church of Boston, and for many years its spiritual guide, he arrived in 1633, and died in 1652, aged 68 years.

adopted a more conciliatory tone toward it. In relation to the exercise of authority by the leaders of that party, the court passed the following order, "Whereas it appears that several persons having been appointed officers by the pretended power under Esquire Gorges, have acted in their respective places, we do order and grant that all such persons whatsoever as have acted peaceably and civilly upon their orders and warrants received as aforesaid, shall henceforth be free and fully discharged from question, presentment or legal proceeding in any respect to their damage or disturbance in any of such their actings."

But this policy was alike ineffectual, the spirit of hostility existed and was cherished by a power near the throne, which procured in 1664 the appointment of four persons by the king, with power to settle the peace and security of the country. This commission was procured by the earnest solicitation of the proprietors of Maine and New Hampshire, supported by the exertions of all the enemies of Massachusetts, and was aimed at the power and influence of that colony¹. Two of the commissioners, Col. Richard Nichols and Col. George Cartwright arrived at Boston July 23, 1664, and Sir Robert Carr and Samuel Maverick about the same time at Piscataqua. With the latter came John Archdale, an agent of Gorges, with authority to superintend the affairs of his province. John Jocelyn, who was then residing with his brother Henry at Black Point, speaking of the commissioners, adds, "with them came one Mr. Archdale, as agent for Mr. F. Gorges, who brought to the colony in the province of Maine, Mr. F. Gorges' order from Charles 2d. under his manual, and his majesty's letter to Massachusetts, to be restored unto the quiet possession and enjoyment of the same province in New England and the government thereof, the which during the civil wars in England, the Massachusetts colony had usurped, and most shamefully encroached upon Mr. Gorges' rights and privileges²."

The letter from the king above referred to is dated June 11, 1664; it speaks in the first place of the grant to Sir F. Gorges, the money he had expended upon it, and his disappointment occasioned by the "breaking out of the wars, in which he personally engaged, though betwixt three and four score years of age," the usurpation of Massa-

¹The commission may be found in the Appen. to Hutch. Mass. 1. ²Jocelyn's voy.

chusetts, &c., and closes with the following injunction: "We have taken the whole matter into our princely consideration, and finding the petitioner's allegations and report of our said council learned, so consonant, we have thought fit to signify our pleasure on behalf of the said F. Gorges, the petitioner, hereby requiring you that you forthwith make restitution of the said province unto him or his commissioners, and deliver him or them the quiet and peaceable possession thereof; otherwise that without delay you show us reason to the contrary'."

The commissioners were occupied several months in Massachusetts and New York, and did not visit Maine until June 1665. In the mean time however Massachusetts endeavored to support her authority in the province; she held her court as usual in July 1664, at which Associates and town commissioners were returned and approved. Munjoy was chosen one of the associates, and the commissioners from Scarborough and Falmouth were Henry Jocelyn, George Munjoy, Richard Foxwell², Francis Neale and Henry Watts; they were all approved but Henry Watts. Anthony Brackett was chosen constable of Falmouth.

Archdale, however, immediately after his arrival, came into the province and was not idle in the use of his authority. He granted commissions to Henry Jocelyn of Black Point, R. Jordan of Spurrink, Francis Neale of Casco, and to persons in every other town in the province, who by virtue thereof undertook to conduct public affairs independently of Massachusetts. Jocelyn, Jordan, Archdale, and Edward Rishworth addressed a letter to the Governor and Council of Massachusetts in 1664, requiring them to surrender the government to Mr. Gorges or his commissioners, according to his majesties' pleasure, signified in his letter of June 11. To this application the answer was, "the council assembled do declare that the lands in the county of York, by them called the province of Maine, were and are claimed as part of the patent granted to Massachusetts, which patent precedes the patent granted to Sir F. Gorges, otherwise the council may not give up the interest of the colony without the consent of the General court³."

¹This letter may be found on Mass. Rec. and also in Hutchinson's Collection.

²Foxwell was an early and very respectable inhabitant of Blue Point, in Scarborough; he married a daughter of Richard Bonython of Saco, and left a numerous posterity. Mr. Folsom in his history of Saco has furnished ample particulars relating to this family and of most of the early settlers of that town. ³Mass. Rec.

The general court at their session in May following, (1665) endeavored to encourage their friends in the province by affirming their title, and declaring their determination "still to extend their government over them as formerly, and that the county court at York should be held at the time appointed, according to law:" they "further inform the people of that county, that they intend to return to his majesty an account of the reasons why they have not rendered the government of that county to the agent of said Mr. Gorges, and a map of their north bounds or line, which demonstrates the ground of their government there." In pursuance of this resolution, two persons were employed to prepare a map of the colony, and a detailed statement was drawn up, containing a description of the boundary line, the report of the surveyors, &c., which they entitled "certain reasons tending to manifest that the patent right of the northerly line of the charter doth belong to the Massachusetts Colony in New England".

They also sent down Thomas Danforth, Eleazar Lusher and John Leverett, Esqrs. with full power to call before them "any and every person or persons that have or shall act in the disturbance or reviling of the government there settled, according to his majesty's royal charter to this colony, under the broad seal of England." But these exertions were fruitless, the commissioners had now arrived in Maine, and the spirit of disaffection was diffused over the whole province. The commissioners not only released the people from all obligations to the government of Massachusetts, but also by an assumption of power from the authority of Gorges himself. In their proclamation issued from York June 23, 1665, they say, "In his majesty's name we require and command all the inhabitants of this province to yield obedience to the said justices acting according to the laws of England as near as may be. And in his majesty's name *we forbid as well the commissioners of Mr. Gorges, as the corporation of Massachusetts Bay, to molest any of the inhabitants of this Province with their pretences*, or to exercise any authority within this province, until his majesty's pleasure be further known, by virtue of their pretended rights".

They state as a reason for this course, that they had "received several petitions from the inhabitants," in which they had desired to

¹Mass. Rec.

²Y. Rec.

be taken into his majesty's immediate protection and government¹ :” they then make the following declaration, “We, by the powers given us by his sacred majesty under his great seal of England, do by these presents receive all his majesty's good subjects living within the province of Maine, into his majesty's *more immediate protection and government*. And by the same powers, and to the end the province may be well governed, we hereby nominate and constitute *Mr. F. Champernoon* and *Mr. R. Cutts* of Kittery, *Mr. Edward Johnson* and *Mr. Edward Rishworth* of York, *Mr. Samuel Wheelwright* of Wells, *Mr. Francis Hooke* and *Mr. William Phillips* of Saco, *Mr. George Munjoy* of Casco, *Mr. Henry Jocelyn* of Black Point, *Mr. Robert Jordan* of Richmond's island, and *Mr. John Wincoll* of Newichawanock, Justices of the Peace, and we desire and in his majesty's name we require them and every of them to execute the office of a Justice of the Peace within the Province of Maine.” Any three of these magistrates were authorized to meet at convenient times and places “to hear and determine all cases both civil and criminal and to order all the affairs of the province for the peace, safety and defence thereof” according to the laws of England.

It will be perceived that the magistrates before mentioned, were those who had not only taken the oaths of freedom and fidelity to Massachusetts, but were several of them, the very persons who had just before received a commission from Gorges for the preservation of his authority in the province. They seem to have put off their fealty with the same facility they did their doublets. But we suppose they justified their course by the paramount power of the commissioners, who, in this particular seem to have exceeded the letter of their instructions and the main object of their trust, which was to restore the province to Gorges.

That neither this new project of independence nor a separation from Massachusetts were acceptable to many of the people, may be inferred from the following petition addressed to the king by the inhabitants of Casco ; which though somewhat long, commends itself to a place in this history. It was prepared immediately after the

¹John Jocelyn gives this account of the matter : “His majesty that now reigneth sent over his commissioners to reduce them (Mass.) within their bounds, and to put Mr. Gorges again into possession. But there falling out a contest about it, the commissioners settle it in the king's name, until the business should be determined before his majesty.”

declaration of the commissioners was published, and before they left the Province.

“To the king’s most excellent majesty, the humble petition of the inhabitants of Casco upon the Province of Maine, in N. E., wherein, according to his majesty’s command, is rendered their reasons why they could not submit to Mr. Gorges.

Most dread Sovereign,

Pardon, we humbly beseech, if we presume to address our most gracious and loving father, whose gracious eye and fatherly care is towards us the meanest of your subjects inhabiting the northerly parts of your dominions in this wilderness, as we understand your gracious letter to us. For the which fatherly and gracious care of us therein expressed, we beseech, though we be but one of ten that presume to return thanks, pardon, we humbly beseech you, our presumption, who have the royal sceptre of your command for so doing, and accept of our bounded thankfulness, who upon our bended knees do return unto your sacred majesty most humble and hearty thanks for the same.

And whereas your majesty was pleased to demand our submission to Mr. Gorges, or else forthwith to render our reasons, may it please your most sacred majesty, we have no reasons as of ourselves, having nothing to say against Mr. Gorges or his government, but if it shall please your majesty so to determine it, we shall cheerfully and willingly submit to it.

1st Reason. But when we first submitted to the government of Massachusetts, we did engage to be under their government, till such time as your majesty should determine us as proper to any other regulation, your majesty being pleased to send to them demanding, as we are informed, their resignation of us, or else to show their entire reasons, which they say they have undertaken to do, and therefore have commanded us in your majesty’s name to continue under their government, till it shall be determined by your majesty : against whom we have nothing to say, but have by good experience, found that expression of your majesty verified concerning them, that whereas they have exceeded others in piety and sobriety, so God hath blessed them above others : so we having had piety so countenanced, and justice so well executed, that we have found God’s blessing in our lawful callings and endeavours, more in one year than in several before or since our late troubles.”

"2nd Reason. Since which, most gracious sovereign, it hath pleased your majesty's most honorable commissioners *to forbid our submission either to Massachusetts or Mr. Gorges* ; and we humbly beseech your majesty not to impute it to any disloyalty in us, if your majesty find not our names inserted in a petition directed to your sacred majesty for the removal of the government both from the Massachusetts and Mr. Gorges, we having no just cause of complaint against either, we being likewise taught out of the word of God that obedience is better than sacrifice, especially of that which is none of our own and of which for ought we know, your majesty hath long since disposed of, or if not, we presume your majesty knoweth better how to dispose of your own than we to direct : we here professing to your sacred majesty, it is the only height of our desires, without any sinister or by respects to be wholly and solely where God by his providence and your command shall cast us.

Thus having according to your majesty's commands and our weak abilities, rendered all our reasons we have or know of, we humbly beg your majesty's determination, by reason of the sad contentions that hath been and is now among us, not without some threatening of us, who did not join with our neighbours in petitioning against Mr. Gorges and the Massachusetts, humbly begging your gracious and fatherly eye to be towards us, we only desiring as much as in us lieth, to act in the uprightness of our hearts in the sight of the Almighty, your gracious majesty and all men, desiring rather to submit, than to contend or direct what government or governors your majesty shall please to appoint over us.

Thus with our prayers to the God of heaven to pour upon your majesty all the blessings heaven and earth can afford, both spiritual, temporal and eternal, beseeching him in whose hands are the hearts of kings, to direct your sacred majesty so to dispose of us as may make most for the glory and honour of God, your sacred majesty and the good of us your poor subjects, we prostrate ourselves at your majesty's feet, and subscribe, as your due and our duty is,

Your majesty's ever faithful and obedient subjects, to be obedient where your majesty shall please to command us, to the utmost of our lives and fortunes. August 1, 1665.

Henry Williams, Ambrose Boaden, George Lewis, John Lewis, Thomas Skilling, Thomas Skilling, John Skilling, John Cloyes,

Thomas Wakely, John Rider, Nathaniel Wallis, George Cleeves, George Munjoy, Francis Neale, Phineas Rider, Richard Martin, Benjamin Atwell, John Ingersoll, George Ingersoll, John Wakley, John Phillips, Robert Corbin¹."

The other party on the other hand petitioned, that the province might continue under the king's immediate protection, and that Sir Robert Carr, one of the commissioners might continue their governor. This petition was lost at sea. The commissioners proceeded from this province to the east side of Kennebec river, where, after having constituted a government, they returned to Massachusetts. They made a report of their proceedings in Maine, from which a few extracts will be made; we have already quoted in the beginning of this chapter, a part that related to the treatment of Mr. Jordan; in this connection they add "One gentleman, who refused to submit to Mass. and suffered great loss by them, shewed the commissioners a warrant the Mass. had made to have him brought to Boston alive or dead²." "This province upon petition of the inhabitants and the difference between Mr. Gorges' commissioners and the Mass. his majesty's commissioners took into his majesty's protection and government and appointed Justices of the Peace to govern them until his majesty's pleasure be further known. The inhabitants afterwards petitioned his majesty that they might always continue under his majesty's immediate government and that Sir Robert Carr might continue their governor under his majesty, which petition was lost at sea. In this province also lives an Indian Sachem, who lives near to the great lake from whence flows Merrimack river, he petitioned his majesty to take him into his protection, which was also lost." "In this province there are but few towns and those much scattered,

¹This document is preserved by Hutchinson in his collection of papers p. 396. All the above signers were inhabitants of Falmouth but Henry Williams and Ambrose Boaden, who both lived in Scarborough. Williams was clerk of Scarborough in 1669 and 1670. Boaden died in 1676; he lived on the west side of Spurwink river, near the mouth, on a place which he had occupied thirty years. The two by the name of Thomas Skilling were father and son. Beside the persons who signed the foregoing petition, the other inhabitants of the town at that time, were James Andrews, Anthony Brackett, Thaddeus Clarke, Lawrence Davis, Humphrey Durham, Walter Gendall, John Guy, Robert Jordan, Michael Madiver, Jos. Phippen, George Phippen, Sampson Penly, Thomas Staniford, Robert Staniford, Ralph Turner, John Wallis, James Ross, Jenkin Williams, Nathaniel Wharf; a majority of these lived upon the south side of Fore river, at Parpooduck and Spurwink.

²This probably refers to John Bonython of Saco, upon whose head a price was set.

as generally they are throughout New-England ; they are rather farms than towns ; but in this province there is a bay called Casco bay, in which there are very many islands, two outlets to the sea, many good harbours and great store of fish and oysters¹, crabs and lobsters²." Party feeling raged high in the province at this time ; the middle class of the people were undoubtedly satisfied with the government of Massachusetts, which secured to them a steady administration of the laws and the protection of their persons and property ; the leaders on the contrary were probably stimulated by motives of ambition, as well as by their hostility to Massachusetts, to the course they pursued. They doubtless thought the chances of success in resisting the persevering claims of their ever watchful and energetic neighbour were more favourable under the auspices of the king, than under those of an individual proprietor. The part taken by Munjoy in these difficulties is not clearly exhibited ; he was appointed to one of the most honourable places in the province, respectively, by the government of Massachusetts, by Gorges and by the commissioners : that he continued friendly to Mass. we can have no doubt ; he expressed it by subscribing the petition which we have introduced ; but it is also certain that he accepted the appointment of the commissioners and discharged its duties³. The course taken by Jocelyn and Jordan is not to be wondered at ; they yielded reluctantly to the power of Massachusetts in the first place ; but all the while they carried a thorn in their bosoms ; and whenever a favourable opportunity offered, they were the first to seize it to break from their allegiance. This party supported by the favour of royalty now enjoyed a brief triumph, and administered the affairs of the province for about three years.

¹The oysters have long since departed. ²Hut. Col. 412. The commissioners did not again return to the province. Carr went to England and died the day after his arrival, June 1, 1667. Cartwright who kept a memoranda of their proceedings was captured by the Dutch on his passage home and lost all his papers. Col. Nichols did not come into this province, but went from Mass. to New-York, of which province he was governor. Mr. Maverick was in Boston in 1666 and 1667, but what became of him we are not informed ; he was son of the early planter upon Noddle's island, in Boston harbour, who died in 1664 ; his wife was a daughter of the Rev. John Wheelwright of Boston, Exeter, Wells and finally of Salisbury, of whom frequent notices may be found in Savage's edition of Winthrop's Journal.

³Sept. 12, 1665, George Munjoy gave a bond in the sum of £20, that in retailing of wine, liquor and strong drink of any sort, he would not make any breach of good order, as he will answer for it according to law, to Henry Jocelyn and Robert Jordan, Jus. of the Peace : in 1666, he was appointed by the new government to erect a prison in Falmouth ; by which it would seem that he possessed their confidence.

CHAPTER 6.—1665—1674.

Proceedings of the new government—Courts at Casco, persons presented, state of morals—Cleeves' death—Skillings' death—Government of Massachusetts restored—Jordan, Jocelyn, Neale—Freemen petition General Court—Munjoy licensed—Eastern line run—Selectmen—Falmouth presented—Settlements at Capisic, Stroudwater and Purpooduck—Death of Martin, Wharff, Bartlett and Mills.

ON the arrival of the king's commissioners in the province in June 1665, the authority of Massachusetts was entirely suspended, and the persons appointed Justices immediately entered upon the discharge of their duties. No notice is subsequently taken of Archdale, the agent of Gorges, and from this time the jurisdiction of that proprietor over the territory forever ceased. In January 1665, the province was divided into two parts for the convenience of the inhabitants, "in regard of the remote distance of places and peoples." The western division extended to Kennebeck river, the eastern, from that river to Sagadahock; courts were held in each division, at York and at Falmouth. A court was held in November, which, to convince the people that there was no want of zeal in the new government, "Straight let them feel the spur." John Jocelyn was presented for absenting himself from meeting on the Lord's day, and also "the towns of Falmouth and Kennebunk for not attending the king's business at public courts as other towns do." Each town was fined 40s. under the following presentment, "We present the towns of Kittery, York, the Isle of Shoals, Wells, Cape Porpus, Saco, Black Point, Falmouth, Westcustogo and Kennebeck¹ for not attending the court's order for not making a pair of stocks, cage and a cucking stool."

Some of the punishments inflicted upon our early settlers may be gathered from the foregoing record; the latter instrument was reserved exclusively for scolds and brawling women, a class of offenders which modern times have permitted to go unpunished. It was a chair suspended by a crane over water, into which the offender

¹Westcustogo was the settlement next east of Falmouth, afterwards called North-Yarmouth; Kennebeck probably included the settlement near the mouth of that river.

was plunged repeatedly, until her impatience and irritability were moderated. This species of punishment was quite popular both in England and this country in early days.

In July 1666, the court was held at Casco for the eastern division by Henry Jocelyn, Major Wm. Phillips and Francis Hooke of Saco, Edward Rishworth of York, and Samuel Wheelwright of Wells ; they are styled in the record "Justices of the Peace, appointed by special commission from the Right Hon. Sir Robert Carr, Lt. Col. George Cartwright and Samuel Maverick, Esq."

The Jury of trials consisted of four persons from Saco, John Bonython, John Wakefield, John Leighton and Richard Hitchcock, one from Scarborough, Wm. Sheldon, one from Cape Porpus, Morgan Howell, two from Westcustogo, Richard Bray and John Maine, and four from Falmouth, George Ingersoll, Anthony Brackett, Nathaniel Wallis and Walter Gendall. The grand jury consisted of 14, of whom but two, John Wallis and Robert Corbin were of Falmouth. We propose to make a brief abstract from the record of this term to give an idea of the administration of justice in that day and to furnish some interesting details relating to the province. Francis Neale, "attorney for the town of Casco alias Falmouth," brought an action against Edward Rishworth for granting an execution against said town *before judgment* ; the plaintiff was nonsuited and 21s. cost allowed defendant because the plaintiff's power of attorney appeared not to be valid, when he arrested deft. "By consent of the deft. the action goeth forward ;" and the jury find for the plf. £5. damages and cost. "This verdict not accepted by the court" The jury went out again and returned a verdict for plf. for £3. This was also rejected, and the court ordered Mr. Rishworth to appeal to his majesty's commissioners. This case gives us a favourable example of the independence of the jury but a humble one of their influence ; Rishworth was a member of the court, and the cause is apparently an attack upon his integrity.

"Several orders made at a court holden at Casco, the 26th July, 1666, for the eastern division of this province."

"1. It is ordered that the selectmen, together with the constable of Casco alias Falmouth, hereby have, and shall have power to take the oversight of children and servants, and finding them disobedient

and unruly to their parents, or masters, or overseers, they shall have power to give them such due correction as they shall judge mete¹.

“2. It is ordered that Mr. George Munjoy shall henceforth have power to administer oaths in all matters of concernment unto any persons residing within the limits of the town of Casco : he is likewise empowered to marry within the precincts of the said town, and to take a lawful oversight of all weights and measures, to see that they be according to the king’s standard, which is Winchester weights and measures, wherein if the said weights and measures be found false or faulty in the hands of any person or persons, then the said weights and measures to be forthwith destroyed.

“3. Persons damaged by unruly horses might complain to the next justice of the peace, who was required to summon seven of his neighbours to appraise the damage, which was to be raised to treble the sum, and levied by distress. Any one justice was also empowered to summon seven honest men for a jury living within said town, to try any action not exceeding 40s.

“It is concluded by this court that the last Thursday of this instant July, shall be set apart by all the inhabitants residing within this Province, therein to humble and afflict our souls before the Lord.

“It is ordered that according to the act concluded in other places in the easternmost parts of this province against the trading of any liquors to the Indians, that the same act shall stand in force throughout all the limits of this province.”

The order relating to the prison in Falmouth has been before noticed. “It is hereby ordered and concluded that every justice of Peace residing within the limits of this province, shall have hereby power in the place where he liveth, upon any just complaint made out unto him or complaints against neglectors of the Sabbath by not attending God’s public worship, or profaners thereof, against drunkards, cursers and swearers, or such like offences, upon consideration by the testimony of a grand jurymen or one sufficient witness to call to account and punish every such offender, according to the laws here established.”

“Mr. George Cleeves binds himself in a bond of £20 unto our sovereign lord the king, to be of good behaviour toward all men,

¹ A similar power at the present day in the same sphere might not be without salutary effects.

especially toward such who at any time shall be ordered by authority to inflict any punishment upon his servant Thomas Greensledge, for his disobedience or disorders.

“That whereas James Robinson, of Black Point, cooper, was indicted the 26th day of July, 1666, upon suspicion of murdering Christopher Collins, of Black Point, at his majesty’s court holden at Casco, and being then tried by the grand jury of this court and committed to us the jury of life and death, who find that the said Collins was slain by misadventure, and culpable of his own death, and not upon any former malice, and therefore the said James Robinson not guilty of murder. Foreman, Mr. Richard Collicott¹, 2 Mr. Richard Pattishall¹, 3 James Lane², 4 James Gibbons³, 5 Edward Stevens¹, 6 John Mayne², 7 Thomas Stevens¹, 8 John Wakefield³, 9 Alexander Thoits¹, 10 Robert Gutch¹, 11 Anthony Brackett¹, 12 Wm. Cocke¹, 13 Richard Bray², 14 John Leighton³, 15 Robert Staniford⁴, 16 Richard Potts¹, 17 Phineas Ryder⁴, 18 Geo. Felt².

The courts under the new government were divided into four kinds ; the highest was the General Assembly, next Courts of Pleas, Courts of quarter Sessions, and lastly Courts held by single justice for the trial of causes under 40s. We cannot perceive that the General Assembly was held oftener than once a year, which was at Saco in May or June ; the court of Pleas was probably held three times, and the quarter Sessions four times a year, in each division. At the term in July before noticed, an order was passed that “ the next quarter session” should be held “ on the 2d Tuesday of August next,” and “ the next court of Pleas to be holden at Casco on the 2d Tuesday in November next.” We perceive next year that the court was held at Casco on the first day of October, from which circumstances in connection with the time of sitting the year before, we should infer that the times of holding these courts were not fixed by law, but were determined by the court at each session. At the November term there were ten entries of civil actions. At the October term following there were twenty one entries and thirty two presentments by the grand jury. Of the latter, 14 were against persons “ for absenting themselves from meeting upon the Lord’s

¹Those persons with this mark lived in the northeasterly part or the bay, on the islands in that region, and on the Kennebeck river.

²Of North-Yarmouth.

³Of Saco.

⁴Of Falmouth.

day ;" against two of these, James Michimore and his wife, is this entry, "these persons pretend they go to hear Mr. Jordan, by an admonition they are discharged." Three were presented "for travelling on the Lord's day ;" against one of whom, John Mosier, the following judgment is rendered : "John Mosier fined for his offence 5s. and officers fees 5s. ; this 10s. to be forthwith paid, and if afterwards by two evidences he can make it out that upon the Sabbath he travelled purposely as he pretends to look after Mr. Lane, who that day, as the said Mosier pretended, was in danger of being drowned, then the said Mosier is to have his 10s. returned to him again¹." The following extracts have perpetuated the history of a discord in the family of one of our early inhabitants, the origin of which cannot be traced. "We present Julian Cloyes, wife to John Cloyes, for a tale bearer from house to house, setting difference between neighbours. Julian Cloyes, upon the court's examination, is found guilty of the offence, and is bound to her good behaviour unto the next court of Pleas at Casco, in a bond of £5. and John Cloyes and Peter Housing are her security." Again : "We indict Nathaniel Cloyes and Abigail Williams upon the evidences of Thomas Cloyes and Sarah Housing for their misbehaviour toward their mother in law, Julian Cloyes. In reference to the presentments of Nathaniel Cloyes and Abigail Williams, touching their offences, it is ordered that they shall make a public acknowledgment of their fault done to their mother by their ill behaviour toward her, before the next *training* at Casco, or to forfeit £5. each person to the treasury, and for time to come to give in sufficient security for their good behaviour to the next court of Pleas for this division unto our sov'reign lord the king."

Nathaniel Cloyes and Richard Potts to give a bond of £10. for the good behaviour of Nathaniel and Jenkin Williams, and Francis Neale, the like bond for Abigail Williams²."

¹Mosier was the son of Hugh Mosier, an early settler [in Falmouth, but who afterward moved further up the bay. At the court in July 1666, James Mosier, eldest son of Hugh, was appointed administrator of his father's estate, and John Mosier and James Lane were his sureties. James Lane came here with his family from Malden about 1658, settled on the east side of Cousins' river in Freeport ; the point and island near it are still called by his name.

²I have before given some account of the Cloyes family ante. Chap. 4, p. 96, my conjecture is that Abigail was a second wife of Cloyes, that she was a widow at the time of her marriage, and that Peter and Sarah Housing were her children by a former marriage. In 1673, Sarah Spurwell, daughter of Julian Cloyes, was

Some idea of the state of morals in the province may be formed from the following records : “ Ellnor Bonython being examined by Esquire Jocelyn and Major Wm. Phillips J. Pac. in reference to bastardy, but not finding on examination her owning of the reputed father of the child, do therefore order that the said Ellnor Bonython, for her offence shall either within one month from the 20th day of Sept. 1667, stand three Sabbath days in a white sheet in the public meeting or otherwise pay £5. into the treasury of this division.” “ Which £5. her father John Bonython engages to pay’.” Bonython himself had been guilty of many excesses ; and the vices of some of his children are properly attributable to the evil example of their parent. It may be recollected that we noticed a similar complaint against him in the former part of this work. The simplicity of the punishment is only equalled by the ease with which it was commuted. The fatherly care of the same court is displayed in their requirement in the following case. “ We present George Garland and Sarah Mills for living together as man and wife, being never married, contrary to the law of England. In reference to the more orderly living of the said Garland and Sarah Mills, and for putting off future inconveniences, which will necessarily ensue such incontinent courses ; It is therefore ordered that George Garland and Sarah Mills shall by the order of some justice of the peace in this Province, or some minister, be married within the term of one month from the date hereof, or otherwise they shall not fail to give in a sufficient bond of £10. for their good behaviour to the next court of Pleas for this division.” These persons lived in Scarborough. One other case of a more aggravated nature relative to an inhabitant of Falmouth, will close this part of our subject. “ We indict George Lewis upon the evidences of John Lewis, Elliner Lewis and Anne Ross, for a person of wicked behaviour as appeareth by oath to us, by his frequent attempting to commit folly and wickedness with his daughters. The court having considered the heinousness of George Lewis his offences, do adjudge him to pay in

charged with stealing goods from George Pearson of Boston, and bringing them to her mother, in Casco. Julian was born in 1620. The family I think came from Watertown, Mass. after the submission to that government. Abigail Williams was probably the wife of Jenkin Williams. One of that name figures in the witch-tragedy at Salem, and is probably the same. A Sarah Cloyes also appears in the same scenes.

¹ John Bonython was son of Richard, one of the original patentees of Saco.

£5. to the treasury ; and to prevent his future miscarriage, to give in £20. bond for his good behaviour."

John Mosier and Philip Lewis gave bond that said Lewis should be of good behaviour, especially toward his two daughters, Anne Ross and Elliner Lewis, unto the next court of Pleas holden for the Eastern division." Elliner was the wife of John Lewis, eldest son of George, and Anne was the wife of James Ross, who was a shoe maker and lived at Back Cove on land adjoining Lewis'. Philip Lewis was also a son of George.

It cannot be disguised that the tone of morality in the province was at this time and had ever been at a low point. Many individuals and the government itself seem to have displayed an earnest desire to correct abuses and elevate the standard of public morals ; but the state of the province had always been unpropitious to the success of such endeavours. The population was composed of the greatest variety of materials ; a large part of it was dependent upon fishing and hung loosely on the community. This class of people, by the account of early voyagers was excessively dissipated and led a sort of lawless life. That part of the inhabitants which remained on shore was scattered along upon the coast communicating freely with those who lived upon the sea and partaking in a measure of their irregular habits, which were not counteracted by a regular administration of religious instruction. In addition to these causes the utmost confusion was produced by repeated changes of jurisdiction, which not only displaced the heads of government, but subverted the laws themselves. For the first fifty years after the settlement of the country we may safely assert that there existed nothing like permanent institutions or laws. During this period no party exercised authority without being assailed by the sharp and persevering claims of others, who pretended a right to the sovereignty and soil. Amidst all these confusions and causes of irregularity, a high state of public morals was not to have been expected in the community ; and although severe laws were occasionally passed and sometimes were severely enforced, they were entirely unable to produce any permanently good effect upon the general sentiment and habits of the people. It was not until the government of Massachusetts was quietly settled under the new charter and her laws diffused over the whole province that a decidedly favourable change was produced in the manners and morals of the inhabitants.

In the records of the court held in November 1666, Geo. Cleeves makes his appearance for the last time ; the precise period of his death we have no means of determining, but in a deed from Anthony Brackett of land held in right of his wife to whom Cleeves had conveyed it, dated January 2, 1671, he is mentioned as being dead. This event probably took place soon after the first date, November 1666, or his name would doubtless have appeared in some subsequent transactions. From the great age of his wife, which Cleeves himself stated in his memorial against Jordan in 1662, to have been 87¹, it may be inferred that he was very old at the time of his death. He had been in the country over thirty six years, was the first who planted in that part of Falmouth which lies north of Fore river, and was actively engaged in all the eventful scenes of its history from its settlement to the time of his death. The principal incidents of his life have been noticed in the progress of this work, and sufficient may have been said to exhibit a view of his character. He was a man undoubtedly of great activity and enterprise, and although some circumstances appear in the history of his life, which throw a doubt upon his moral principles, yet the medium through which we see them should be permitted in a degree to relieve the shadows. Cleeves lived continually in the midst of party, and was himself a partizan and a leader. It would be strange if he should not have been the subject of misrepresentation and calumny. In the latter part of his life he certainly fell into neglect, and although occasionally noticed, he did not rise, after his own administration ended, into the rank of the higher magistrates. This however may be accounted for partly by his advanced age and partly by having lost the sinews of power in the disposition of his property. At this distance of time and under these circumstances, it is difficult to form a just estimate of the character of our first settler ; he now lies beneath the soil he first opened to the cheering influence of cultivation ; we ought not therefore to deepen the shades that hang over some transactions of his life, but to dwell on the palliating circumstances—to praise where we can, and only to blame where we must. He had to contend with difficulties inconceivable by those who are enjoying the rich fruits of the toil and care—the weary days and anxious nights, of the first settlers of our country.

¹“My wife being no less than fourscore and seven years of age.” Ante. page 82.

Cleeves left but one child, Elizabeth ; it does not appear that he ever had any other, certainly no son lived to perpetuate his name. His daughter married Michael Mitton, by whom his posterity teems upon the land which their ancestor first occupied. She lived until 1682, when she followed her father to the quiet mansion of the dead. Cleeves' wife was named Joan, the time of whose death is not known. Elizabeth Clark, a daughter of Michael Mitton, who lived to a great age, testified in 1728, "that her grandfather, Mr. George Cleeves, lived *on his own estate* at Falmouth many years after the death of her father Michael Mitton."

Thomas Skillings, another inhabitant, died in 1667; by his will, dated Nov. 14, 1666, and proved Oct. 2, 1667, he made specific legacies to his sons Thomas and John; to the former "one cow and a young steer and a calf," and "his fowles to be divided between them both;" the remainder of his property he placed at the disposal of his wife, "during her widow's estate, and if she marry she shall have but one third and the rest to be divided equally to all my children." From the latter clause, it would seem probable that he had other children than those above mentioned, although no others are named in the will, nor can be traced by us. The inventory of his estate was taken by Phineas Ryder, George Ingersoll and Nathaniel Wallis, his neighbours, and his property was enumerated and valued as follows: housing and land, £ 80, marsh £ 10, 4 steers, £ 22, 5 cows £ 20, 3 younger cattle £ 6, 2 calves £ 1.10, 11 pigs £ 3.6, wheat and peas in the barn, £ 3.8, 18 bushels of wheat in the dwelling house, £ 4.10, 6 bushels indian corn £ 1.4, 60 lbs. of cotton wool £ 3, household furniture £ 32.16—making a total amount of £ 186.14. We have presented the foregoing inventory, that some estimation may be formed of the situation of our settlers at that early period. Mr. Skillings could not be ranked among the first of our inhabitants in point of property, and yet it will be perceived that he had sufficient to render him independent, it gives us a favourable view of the resources of the people in that day. Mr. Skillings is the common ancestor of all of that name, who now live in this town and vicinity. He was here as early as 1651, as appears by his witnessing a deed of that year from Cleeves ; in 1658, he purchased a farm at Back Cove, of George Cleeves, which he occupied till his death, and which continued many years after, in his family ; it ad-

joins Mr. Deering's farm in Westbrook, and is about half a mile from Deering's bridge. His eldest son Thomas, married Mary, daughter of George Lewis, who was born in Falmouth in 1654, by whom he had two sons, Joseph and Benjamin, and died early¹. The second son John, was an active and useful man many years in town, a carpenter by occupation. He had a grant of land upon the neck in 1680, and a large farm near Long Creek, where he lived and part of which is now occupied by some of his numerous posterity. We shall have occasion to advert to this enterprising inhabitant again in a subsequent part of our work, and shall therefore leave him for the present.

The government established by the king's commissioners in 1665, expired in 1668, its last General Court having been held at Saco, May 29, of the latter year. The officers of it had received no support nor encouragement from England, and it possessed within itself no permanent principle nor power to give sanction to its authority; the laws were therefore feebly administered and the affairs of the Province, consequently fell into confusion. The people again turned their eyes to Massachusetts, as a power willing and able to afford them relief. Application was made to that government for this purpose, and at the session of the General Court in May 1668, commissioners were appointed to repair to York, and hold a court there, on the first Tuesday of July. They also issued a proclamation, requiring the inhabitants to yield obedience to the laws of the colony, and commanded the Secretary of State to send warrants to the respective towns to choose jurors, constables and other officers, for the service of the county, as the law required.

The Commissioners pursuant to their appointment, held a Court at York, in July: Jocelyn and the officers of his Court, met there at the same time and protested against the authority of Massachusetts, and the proceedings of the commissioners. Some conflict took place between the two parties, which, as it is particularly recorded in the general histories of the day, we need not stop to notice. The commissioners of Massachusetts, proceeded firmly in the duties of their appointment, and Jocelyn at length yielded the point with what grace he might. It is evident he was not supported by the people;

¹The widow afterwards married Jotham Lewis, and for her third husband Wilkins, and was living in Salem in 1732.

or in other words, his paper authority was not backed by physical force; he therefore made a virtue of necessity. His brother, speaking of this transaction says, "As soon as the commissioners (the king's) were returned for England, the Massachusetts enter the Province in a hostile manner, with a troop of horse and foot, and turned the Judge¹ and his assistants off the bench, imprisoned the Major or commissioner of the Militia, threatened the Judge and some others that were faithful to Mr. Gorges' interest. I could discover many of the foul proceedings, but for some reasons which might be given, I conceive it not prudent to make report thereof to vulgar ears, *et quæ supra nos nihil ad nos*: only this I could wish, that there might be some consideration of the great losses, charge and labour which hath been sustained by the Judge and some others, in upholding the rights of Mr. Gorges and his sacred majesty's dominion, against a many stubborn and delusive people."

Jocelyn wrote under the influence of deep feeling both personal and political, and his account is to be received with some allowance. The historians of Massachusetts, on the other hand, deny the employment of any force in the proceeding, and attribute the change to the operation of public opinion. Hubbard says, "In this order and manner did the Province of Maine return to the government of the Massachusetts without any other force, threatening or violence, whatever hath been to the contrary judged, reported and published." This account was written some time after Jocelyn's voyages were published, and was probably aimed at his version of the revolution.

The hostile attitude being withdrawn, the court proceeded to fulfil its commission; the five associates chosen by the freemen, viz. Capt. Brian Pendleton of Saco, Capt. Francis Raines of York, Mr. Francis Neale of Falmouth, Mr. Roger Plaisted of Kittery, and Mr. Ezekiel Knight of Wells, were approved by the court. The commissioners in their report say that five towns made returns for the election of Associates, "the other two (as they said) being hindered by the justices; yet in one of them above half of the electors sent in their votes." George Ingersoll of Falmouth, was on the grand jury, and George Felt was on the jury of trials. Lt. George Ingersoll was commissioned as military officer of Falmouth, and Mr. Francis Neale, Anthony Brackett, Arthur Auger, Mr.

¹Henry Jocelyn.

Foxwell and Robert Corbin were appointed commissioners of Scarborough and Falmouth.

The jurisdiction of Massachusetts seems now to have been again established over the province, and the people to have generally submitted to it. The only indication of uneasiness which we have met with, was the case of Jordan ; the following order in relation to him was passed in 1669 : " It appearing that Mr. Robert Jordan doth refuse to conform to the laws of this jurisdiction, ordered that he be summoned before Brian Pendleton and Francis Neale to answer, and if he refuse, a warrant be issued to take him." This probably had reference to the exercise of some ministerial function. In 1671 a warrant is ordered to be sent out against him, requiring him to appear at the next court " to render an account why he presumed to marry Richard Palmer and Grace Bush contrary to the laws of this jurisdiction."

Of Henry Jocelyn, we hear no more in the civil affairs of the country ; he appears again in the accounts of the Indian war, of which notice will be hereafter taken ; he had now reached an age when the fires of ambition were abated, and a life of retirement were more suited to his feelings than the discord of political controversy. We cannot but entertain a good opinion of Jocelyn ; nothing has been discovered in the whole course of his eventful life, which leaves a stain upon his memory : his opposition to Massachusetts was undoubtedly founded in principle both in a religious point of view and on the question of territorial right. He probably became embarrassed in the latter part of his life : we find that in 1663, being indebted to Joshua Scottow of Boston, in the sum of £309 19s. 10d. he mortgaged all his property to secure the payment of it, and in 1666 for an additional sum of about £180 sterl., he confirmed the former grant and made an absolute conveyance to Scottow, of the whole of the Cammock patent at Black Point, except what had been previously conveyed, together with 750 acres granted by Sir F. Gorges, and his " dwelling house, out houses, fish houses and stages, with other conveniences." He however continued to reside here a number of years after this, and until he was driven away during the Indian war¹. Scottow afterwards occupied the estate. His brother

¹Jocelyn's family moved to Plymouth colony ; his son Henry married there in 1676, the daughter of Abigail Stockbridge of Scituate, aged 16, by whom he had 13 children.

John is probably correct when he asserts that Henry sustained "great losses, charge and labour in upholding the rights of Mr. Gorge and his sacred majesty's dominion."

After the government of Massachusetts was established, Francis Neale seems to have been the leading man in Falmouth; he was chosen Associate for several years, and also one of the town commissioners, and in 1670 he was their representative to the General Court. But in 1671 we find several presentments against him at the county court, for defamation—for not attending meeting—for defrauding the treasury of fines due the country, and for instigating a man to tell a lie; the witnesses against him were George Munjoy, Walter Gendall, John Cloice, sen. and Ralph Turner, constable of Falmouth. The record does not furnish us with the result of these proceedings, nor any clue to their origin. Ralph Turner, who seems to have been the constable this year, was also chosen in 1670, it does not appear who exercised the office in the several subsequent years.

Robert Corbin and Phineas Ryder were town commissioners with Neale in 1670, and this year Walter Gendall was presented "for vilifying and abusing of the commissioners of Falmouth and Scarborough commission court, by saying they had no power to try above 40s., with other abusive words, which was sometime in April last; he was sentenced to be admonished and pay 5s." Falmouth is also presented for not sending a man to serve on the jury of trials last year, and on the grand jury this year.

We find in the records of the General Court for 1670, the following notice of Falmouth, but are not able to ascertain the precise point to which it relates. "The court's answer to Scarborough and Falmouth Deputies' motion about freemen. This court declares that it is the best expedient to obtain the end desired, that those parts furnish themselves with an able, pious and orthodox minister, and command that to them according to the order of the county court¹." The next year the subject is revived, and the following reply is made by the court: "In answer to the petition of several freemen of Falmouth, the court judgeth it meet to declare that in relation to the persons to vote, &c., the law directs; as to the

¹The same subject was agitated about 1660. See chap. 4, p. 86, for the petition of the freemen.

bounds of the township, it is to be referred to the county court in those parts, to consider and settle ; the other part of it being already answered." Some question had probably arisen in town in relation to the elective franchise, and whether the severe laws of Massachusetts excluding all but church members from the right of voting, were applicable to these remote parts of the country where no regularly organized church existed. Hence the recommendation that they should supply themselves with a minister. In 1669 the county court had ordered Falmouth and Scarborough both to supply themselves with a preacher ; and next year Scarborough is presented for not obeying the order.

In 1671, Joshua Scottow and George Munjoy were licensed by the county court to retail wine and liquors, and we have before seen that Munjoy carried on the same trade in 1665. Scottow lived at Black Point, which was then a resort for fishermen and traders in fish, beaver, &c. We have no intimation of any person having been established in trade on this side of Fore river previous to Munjoy ; Winter, many years before, had carried on a large trade on Richmond's island, at an exorbitant profit. Munjoy's place of business was on the beach at the lower end of the town, not far from where Mr. Merrill's distillery stands ; this continued the principal seat of trade for many years¹. Munjoy lived there ; his house was constructed for defence, and used in times of danger for a garrison.

This year Thomas Clark received a commission from Massachusetts to run and ascertain the eastern boundary line of the Province of Maine : he appointed Munjoy to attend to the duty, who in November 1672, made a return, of which the following is an extract : "From Clapboard island, the place of Mr. Samuel Andrews and Mr. Jonas Clark's observation, due east, takes in about one mile and 3-4 above New Damerill's cove, and along a little above Capt. Padishall's house in * * * *, some part of Pemaquid and most of St. Georges' island, and so running into the sea, and no more land east until we come to Capt. Subeles' island, observed with a large quadrant, with the approbation of Mr. Wiswall, who is well skilled in the mathematics ; and is, to my best skill and judgment, our east

¹John Jocelyn, about the year 1671, says, "Shop keepers they have none, being supplied by the Massachusetts merchants with all they stand in need of." He refers to the trade in English goods, with which our retailers were probably not regularly supplied.

line from the above said island. If the honored court were pleased to go 20 minutes more northerly in Merrimack river, it would take in all the inhabitants and places east along, and they seem much to desire it." Munjoy's bill for this service was £6. 10. This stretching the line over the Duke of York's grant afforded a pretext for the assumption of jurisdiction which remained not long unimproved. The inhabitants were desirous of being taken into the family of Massachusetts, and in 1671 and 1673 they petitioned the General Court to extend their care and government over them. The opportunity was now seized, and in July 1674 a court was held there, and the jurisdiction of Massachusetts, by consent of the people, was established over the territory, as far east as Muscungus Bay.

Of the internal affairs of the town during this period, in the absence of all the town records, we can say but little, and for that we are entirely dependent upon scattered fragments gathered from various sources. John Jocelyn, who returned to England in 1671, speaking of this place, says, "Nine miles eastward of Black Point lieth scatteringly the town of Casco upon a large bay, stored with cattle, sheep, swine, abundance of marsh and arable land, a *corn mill* or two, with stages for fishermen." And of the people of the province, he says, "They feed generally upon as good flesh, beef, pork, mutton, fowl and fish as any in the world beside." For further particulars relating to the Province, we refer to a large extract which we have made from Jocelyn in the appendix. Jocelyn says Black Point had 50 dwelling houses in 1671; that town appears in 1675 to have had 100 militia soldiers, while Casco had but 80; taking this ratio for a calculation, Casco would then have had 40 dwelling houses; and by another calculation¹ which estimates the militia in New England in 1675, at one-fifth of the population, we should arrive at 400 as the number of inhabitants at this time. This probably is not far out of the way.

The affairs of the town seem to have been administered by persons selected for that purpose as in other towns, who were called Selectmen or Townsmen. The following notice of an act of this authority is preserved: "Whereas there was a tract of land granted by the Townsmen of Falmouth unto Anthony Brackett, as by a grant

¹Trumball's Hist. of Conn. Davis Morton's Memorial.

of the Townsmen of said town, bearing date of Sept. 25, 1669, and the Townsmen of said town desired us, the underwritten, to lay out the bounds of said land as by an order under their hands, bearing date Sept. 24, 1672, we have attended said order, and laid out the land as followeth, beginning at the point of Long creek and so towards John Skillings' house 200 poles, extending to two apple trees standing on a point of land near John Skillings', where Joseph Ingersoll hath felled some trees," &c. Signed "Sept. 25, 1672. George Ingersoll, Thomas Stanford, Thomas Brackett¹."

This farm of 400 acres was sold by Brackett to Munjoy January 2, 1671, and improved by him many years. It was conveyed by his heirs to Samuel Waldo.

In 1675 Falmouth was presented "for not sending in their vote to the shire town for nomination of magistrates and associates according to law ;" and at the same term the selectmen of the town were presented "for not taking care that the children and youth of that town of Falmouth be taught their catechise and educated according to law." This presentment was made under a law passed by the General Court 1642, requiring the selectmen of every town to see that none of "their brethren and neighbours suffer so much barbarism in any of their families as not to endeavour to teach their children and apprentices so much learning as may enable them perfectly well to read the English tongue."

Previous to this period settlements had begun to extend up to Capisic, and to spread in that vicinity. It appears by Brackett's deed to Munjoy before mentioned, that in January 1671, George Ingersoll jr. had a house at Capisic, and that John Skillings lived lower down the river toward Long Creek ; the recitation in the deed is, "Whereas Mr. George Cleeves, deceased, did some years since, grant unto Anna Mitton, now wife of said Anthony Brackett, a parcel of land and marsh lying at Capisic over the water against the *house of George Ingersoll jr.*" &c. then in describing the land conveyed, he speaks of it as lying "a little below the dwelling house of John Skillins at a place commonly called Long Creek." George Ingersoll jr. and Skillings were both young men, the former was son of George sen'r. who was 53 years old in 1671 : not only the son but the father and two others of the name, John and Joseph, settled in the same

¹Original paper in Clerk's office, Cumberland.

neighbourhood. George Ingersoll and his son George had a sawmill at the falls, near where Capt. Seal now lives.

In 1674, Thomas Cloice, son of John Cloice, and Richard Powsland¹, settled between Round Marsh and Capisic, and in 1675, John Ingersoll joined them. Cloice went first, he purchased of Munjoy May 20, a tract of land lying on the river over against the mill of George Ingersoll, and running to a creek between the meadow and Jos. Ingersoll's house ; this must have been situated north of where Stroudwater bridge now is. Cloice immediately erected a house upon the place. Next year May 1, Munjoy sold to John Ingersoll a large tract "at Capisic, bounded at the bounds of Tho. Cloice at the east, being on the gully running down on the back side of said Cloice's house, on the south by the gully as it turns, and on the west by the old path running near Capisic falls that went down to the Back Cove." Part of this latter tract descended by mesne conveyances to Rev. Thomas Smith, by whom it was sold to Jere. Riggs in 1735, who occupied it till his death. It is now possessed by John Jones, Esq. who married a grand daughter of Mr. Riggs.

Oct. 5, 1674, Nathaniel Mitton, with the advice of his mother Elizabeth Harvey and friends, Anthony and Thomas Brackett conveyed to "Richard Powsland, now resident in Falmouth," fisherman, 50 acres of upland and marsh, the same that was granted to him by his grandfather Cleeves in 1658 ; the consideration was £10 in money and fish. This was situated on the point west of round marsh ; Powsland occupied it in the first and second settlements, and his son sold it to Samuel Moody, whose heirs in 1740 conveyed it to John Thomes for £500 under whom it is now held. From the manner in which Mitton is spoken of in the deed, it is probable that he was then under age, and deemed it proper to express that the conveyance was made with the advice and consent of his friends.

The inhabitants extended on the other side of Fore river, though at considerable intervals from Capisic to the point at the mouth of the harbour. The Ingersolls clustered about the falls, next to them was John Skillings, next to him and about half a mile below Ingersoll's mill lived, after the Indian war, Isaac Davis ; he had children

¹I have adopted here the early mode of spelling this name ; his son Samuel, who lived in Boston in 1720, spelt it Powsly, as did some persons previously ; it was sometimes written Pouselin and Pouseland.

born as early as 1660, but whether he then lived there, we are unable to ascertain ; he was here when President Danforth came in 1680, to resettle the town : his land lay between Skillings and Munjoy's 400 acres. On the other side of Long Creek lived Ralph Turner and Lawrence Davis, further on, were Joseph Phippen, Sampson Penley, and Robert and Thomas Staniford. Joel Madiver, a son of Michael, an old inhabitant, received a grant of 100 acres adjoining Staniford's in 1680 ; we do not know in what part of the town he had previously lived. John Wallis lived upon the point, then called Papoodin or Papooduck point. Madiver's 100 acres adjoined the land of Wallis ; the Whites also lived near the point.

While population was continually receiving accessions in different quarters of the town, death was occasionally invading its ranks. In 1673, Richard Martin died. He had dwelt at the point on the west side of Presumpscot river, which still bears his name, having married the widow Atwell, to whom it was granted by Cleeves prior to 1640. We are unable to ascertain the time of his arrival here, we first meet with his name in 1657, unless he is the person referred to by Winthrop¹, as the father of Mary Martin, who was executed in 1646 in Boston. Of that person Winthrop says, he was a decayed merchant of Plymouth, Eng. that his father had been Mayor of that city, and that having occasion after coming to Casco with his two daughters to return to settle some affairs, he left his daughters in Mitton's care. There is no improbability in supposing these persons to be the same individual, we find no other of the name of Martin in the early transactions of the place. The circumstance that there were two daughters in this family corroborates the conjecture ; Mary was executed at the age of 22, and Lydia married Robert Corbin. Martin's will bears date January 11, 1673, and was approved by the court which sat at Wells the April following. He appointed his wife executrix. He bequeathed to Joseph Atwell £6. to be paid in goods "so far forth as his father may not defraud him of it." After his wife's decease his estate was to be divided equally between Benjamin Atwell and Lydia, wife of Robert Corbin. The property was inventoried at £206 13s. 10d.

Benjamin Atwell before mentioned was the son of Mrs. Martin by her first husband and Joseph was his son. The manner in which the

above bequest is made to Joseph, corroborated by other circumstances, leaves an unfavourable impression of Benjamin Atwell's character. Joseph was then but two years old ; in 1685, the court appointed a guardian for him, and he is mentioned in the record as being " heir to the estates of Benjamin Atwell his father, Robert Corbin his uncle, and Richard Martin his grandfather. December 10, 1673, Dorothy Martin conveyed to her son in law, Robert Corbin, " all her goods, chattels, leases, debts, money," &c. on condition of being supported during life.

About this time died Nathaniel Wharff, the husband of Rebecca, eldest daughter of Arthur Macworth ; the widow took letters of administration on the estate in 1673 ; the amount of which by the inventory was £193 18s. 6d. The first notice we have of Mr. Wharff, is in the recognition of a deed from Mrs. Macworth to him of March 28, 1658. It appears that he was then married, and that he afterwards lived upon the land at that time received from his mother in law. In 1666, he conveyed the same tract to his brother in law Francis Neale, and described it as the tract occupied by him. We have no notice of any children but Nathaniel, who was born in 1662 and was living in Gloucester, Cape Ann, in 1734. The widow afterwards married William Rogers, and left two daughters, the eldest Elece (Alice) married Henry Crown of Boston, and the second, Rebecca, married first Joseph Trickey of Kittery, and afterwards — Downing ; she was again a widow and living in Kittery in 1732. The family of Wharffs in New Gloucester, the only one that we know of in this vicinity, came from Old Gloucester, and are undoubtedly descended from the first Nathaniel, and continue to preserve a portion of the Mackworth blood, although the name has been long extinct.

George Bartlett, of Spurwink, died about this time ; an inventory of his estate, amounting to £70. 8. 6. was returned by Ambrose Boaden and Henry Williams, Feb. 14, 1674. He had a daughter Elizabeth married to Nicholas Baker, of Marblehead.

About the same time died John Mills, of Scarborough ; he left two sons, John and James, and other children who claimed his estate at Black point, which the father had occupied 30 years. John subsequently lived in Boston, and James in Sandwich. John married Joana, widow of Elias Oakman, of Black point, and daughter of Andrew Alger.

CHAPTER 7.—1675—1679.

The first Indian war—Inhabitants of Falmouth in 1675—Destruction of the town in 1676—Further depredations of the Indians—Militia in 1675—Peace—Prisoners restored—Walter Gendall—Robert Jordan's death—A. Brackett—Names of inhabitants in Casco bay.

In the beginning of the year 1675, the prosperity of the town stood at a high point ; population had been steadily increasing in every part, and its various resources were rapidly developing. Mills had been established at Capisic and on the lower falls of Presumpscot river, and the borders of both rivers were occupied by an active and enterprising people. But their opening prospects were destined soon to be changed, and their hopes crushed. In June of this year Philips' war commenced in Plymouth colony. The English on the Kennebeck river received the first information of the movements of the Indians about Mount Hope, the seat of Philip, their chief Sachem, July 11. They immediately met together to concert measures to discover the feelings of the Indians in their neighborhood, and to disarm them if it became necessary, In consequence of exertions for that purpose, a number were induced to deliver up their arms and ammunition. In this attempt some collisions took place ; the fear and the jealousy of the Indians were aroused, and they began to suspect that it was the object of the English to deprive them of the means of obtaining subsistence, and by degrees to drive them from the soil. The outbreaking in the east is to be attributed to such jealousies and collisions, rather than to any supposed connection between them and the Indians of the west.

When mutual suspicion and recrimination were once excited, it were futile to imagine that the Indians would respect their engagements, the recollection of former kindness or the dictates of humanity and justice ; and consequently open hostilities became the signal of extermination. They first began by gratifying their revenge, but they ended by an indiscriminate slaughter of those from whom they had received favour as well as of those who had done them injury.

In the beginning of Sept. about 20 Indians attacked the house of Thomas Purchas, an ancient settler in Pegypscot, now Brunswick,

and robbed it of liquor, ammunition, &c. but did no injury to the females who were, fortunately, the only occupants at the time. When complained of for this depredation, they attempted to justify themselves on the ground that Purchas had injured them in their trading.

Soon after this affair, a party of 25 Englishmen went out to gather corn at the northern end of Casco bay, and at the same time to reconnoitre the enemy. They discovered three Indians in the neighbourhood of some houses a short distance from the water, and in attempting to intercept their retreat, they killed one and wounded another ; the third escaped, and rallying his friends, attacked the English, wounded several, and drove them to their vessel, with the loss of two boats laden with the corn which they had gathered. This was the first blood shed on either side in this vicinity ; it was however the opening of a vein, to use a metaphor of Cotton Mather, which was made to flow freely for many months after.

The English having exposed themselves to censure by this imprudent attack without a sufficient justification, removed at once all restraint from the Indians. They had seen the blood of their companions causelessly spilt, and they now sought opportunities of revenge. These were not wanting along an extensive and entirely unprotected frontier. In every plantation the houses were scattered over a large territory and the only defensive preparations were, an occasional private garrison, which in cases of sudden emergency, afforded the neighbouring inhabitants a temporary refuge. The able bodied men in each town formed a train band ; but they lived so widely apart, and there were so many points to guard, that they could offer but little protection against the desultory and rapid attacks of their subtle enemy.

The first visitation of their vengeance was upon the family of Thomas Wakely of Falmouth, about a week after the affray before mentioned. This unsuspecting family was composed of Thomas Wakely and his wife, his eldest son John, his wife who was far advanced in pregnancy, and their four children. They killed the old man and his wife, his son John and wife, with three of their children, in a cruel manner, and carried one daughter Elizabeth, about 11 years old, into captivity. Next day Lt. George Ingersoll, who had perceived the smoke, repaired to the place with a file of soldiers to learn the cause. He found the body of John's wife, and the three

children with their brains beaten out lying under some planks, and the half consumed bodies of the old man and his wife near the smouldering ruins of the house.

Why this family was selected for a sacrifice we have no means of determining ; the Indians committed no further violence, but immediately withdrew to a distant place. The daughter Elizabeth was some months after carried by Squando, the Saco Sachem, to Major Waldron at Dover, where she subsequently married Richard Scamman, a quaker. The Wakelies came from Cape Ann and had originally settled in 1661 at Back Cove, on the west side of Fall Brook, where a son in law Matthew Coe died. The eldest son John had removed to the east side of Presumpscot river several years before the melancholy event which terminated his life ; his farm was about three quarters of a mile below the falls, and between the farms of Humphrey Durham and Jenkin Williams ; his house fronted the river "and stood within about a gun shot of said Durham's house¹." His father and mother from their advanced age had probably taken up their residence with their eldest son, or had gone there at this time in consequence of the general alarm. He is spoken of by Mather as a worthy old man, "who came into New-England for the sake of the gospel," and had long repented moving into this part of the country so far out of the way of it.

The inhabitants in the immediate vicinity had probably drawn off at this time to a more secure place, as it appears that Ingersoll who lived at Capisic was the first to visit the scene, drawn there by discovering the smoke.

The enemy next made an attack upon Saco, where they burnt the house of Capt. Bonython and the mills of Major Phillips, with the house of one of his tenants. They were prevented doing further mischief at that time, by the resolute manner in which the Major defended his garrison. His force consisted of but 10 able bodied men, while the Indians numbered from 60 to 100 men. They went from Saco to Blue Point, where they killed several persons, one of whom was Robert Nichols, and returning to Saco they committed further depredations. They then moved westward marking their way by blood and rapine. They afterwards, in October, returned to this

¹Hallom's deposition.

neighbourhood, killed Arthur and Andrew Alger, in Scarborough, with several others, and burnt seven houses there.¹

Falmouth, about the same time was again visited, and a son of George Ingersoll, and another man, as they were fowling, were both killed. The Indians also burnt Lt. Ingersoll's house and others in that neighbourhood, whose owners are not mentioned. The number of houses burnt cannot be ascertained ; the last attack was probably confined to the vicinity of Capisic, and we have no notice of any houses having been burnt but Wakely's, those at Capisic and Robert Jordan's at Spurwink. They were generally spared it may be conjectured this year, as we find the inhabitants still lingering among them and becoming the victims of more severe calamity the ensuing year. At what time the attack was made on Spurwink, we no where find an account ; but Mr. Jordan had barely time to escape from his dwelling house, when it was destroyed with all its contents ; Ambrose Boaden sen'r. was probably killed at the same time ; administration was granted on his estate the next July ; he lived on the west side of the river opposite Jordan's house. Jordan moved to Great island, now Newcastle in Piscataqua river. It is estimated that from the beginning of August to the end of November 1675, there were killed in the province about 50 English and over 90 Indians.

In November, the government of Massachusetts made preparations to carry the war into the enemy's country, and a force was organized to attack the remote settlements at Ossipee and Pequawkett with a

¹The *Algers* or *Augers* early settled in Scarborough, where they purchased of the Indians a tract of 1000 acres about 1651. To this they gave the name of Dunston, from the town in England, where they originated (Boden's depo.) The town referred to was probably Dunster or Dunstorre, in Somersetshire. Arthur, in the division of the estate, took the northern part, which was the highest English settlement in this region; it was separated from his brother's by a creek or brook ; he died without issue. Andrew had 6 children, three sons, John, Andrew and Matthew, and three daughters, Elizabeth married to John Palmer, Joana married first Elias Oakman, and second John Mills, who dwelt in Boston, where she died, and the third married John Austin. John, son of Andrew, had several daughters, one of whom, Elizabeth, married John Millikin, first of Boston, then of Scarboro'. housewright. After the two brothers were killed, and their houses, barns and crops destroyed, the family moved to Boston. Andrew jr. was master of a vessel and was killed in Falmouth in 1690, leaving one daughter, wife of Matthew Collins. Matthew was master of one of the transports in Sir Wm. Phipps' expedition to Canada, and died of the fleet fever soon after his return ; he was the last surviving male of that race, and the name is extinct in this country. The widow of the first Andrew, married Samuel Walker. Several of Andrew's children were married and settled near him before his death ; first John, then Palmer ; the others followed fronting the marsh in the neighbourhood of Dr. Southgate's house, whose farm is part of the Alger estate.

view of disabling them from renewing their depredations in the spring. But the winter closed in so early and severely, that it was impossible to make any progress through the forest, and the enterprise was abandoned. By the 10th of December the snow was four feet deep in the woods, and was accompanied by such extreme cold weather that the Indians were driven by their sufferings to sue for peace. For this purpose a body of them repaired to Major Waldron at Dover, and terms were mutually agreed upon for the suspension of hostilities and for a permanent peace. But the encouragement afforded to the people by this treaty was of short duration, and the next summer the dreadful tragedy was renewed with more violence and greater loss of property and life than during the previous season.

The Indians engaged in these expeditions were from the Saco and Androscoggin tribes, joined with the wandering sons of the forest who inhabited the intermediate territory, and acknowledged subjection to neither of those more considerable tribes. The Sacoës were under the command of Squando, one of the most artful and daring leaders in the war. The Androscoggin tribe was under the guidance of Robinhood, a very prominent Sagamore. The Penobscots were subsequently engaged in the war, and under the direction of Madockawando and Mugg, performed their full share in the work of desolation and death which were dealt out so freely to this devoted province.

At the commencement of the year 1675, there were rising forty families in town, which were distributed in the different sections as follows : On the east side of Presumpscot river, James Andrews, Humphrey Durham, George Felt, Jane Macworth, Francis Neale, Richard Pike, John Wakely, Jenkin Williams, and we may add Rebecca Wharff, who had recently lost her husband. On the west side of the river, were Benjamin Atwell, John Cloice, sen., Robert Corbin, Peter Housing, Robert Nicholson, John Nicholson, and John Phillips. Around Back Cove, Anthony Brackett, George Lewis, John Lewis, Philip Lewis, Phineas Ryder, James Ross, Thomas Skillings, Nathaniel Wallis, Thomas Wakely, and Matthew Coe's family. At Capisic, Thomas Cloice, George, George, jr., John and Joseph Ingersoll, and Richard Powsland. On the Neck, Thomas Brackett, Thaddeus Clark, George Munjoy, and John Munjoy ; Elizabeth Harvey at this time was a member of Thomas

Brackett's family. On the south side of Fore river, Lawrence Davis, probably Isaac Davis, Joel Madiver, Sampson Penley, Joseph Phippen, John Skillings, Thomas and Robert Staniford, Ralph Turner, and John Wallis. At Spurwink, Walter Gendall, Robert Jordan, and probably John Guy, a faithful vassal of Jordan. We cannot fix with certainty the location of several persons whose names follow, Nathaniel and John Cloice, jr., Henry Harwood, a shoe maker, we are not certain that he lived here in 1675, but circumstances favor the conjecture; John Rider probably lived at Back Cove. We have also some doubt whether Josiah and Nathaniel White, who lived at Purpooduck, came here until after the war. With respect to George Burroughs, for a number of years minister of this place, we were for a long time undetermined upon the question, whether he had settled here before the destruction of the town or not; but the discovery of additional evidence has satisfied us that he must have preached in town before that event. The following record would seem to determine the question: "At a general meeting of the inhabitants of the town of Falmouth held the 20th of June 1683. Whereas there was *formerly* given to Mr. George Burroughs, minister, a parcel of land, judged to be about 200 acres, and *we being driven off by the Indians for a time, and in time re-inhabiting*: therefore for to give people incouragement to come and settle down among us in a body, we *took part of said Burrough's land formerly given him* by the people of Falmouth for the end before exprest." This 200 acres was on the Neck, east of Robinson's point, part of which was taken up on the resettlement in 1680 by the inhabitants. It seems evident from the phraseology of the instrument that the grant was made *previous* to the people's having been driven off by the enemy, and unless Burroughs had been a settler before that event, there would have been no propriety in saying that a part of his 200 acres had been taken for the encouragement of *new settlers*¹. Burroughs was graduated at Harvard College in 1670, and probably commenced his ministry here about 1674, and lived upon the Neck; but no church was then gathered.

After the war broke out in September, and probably not until

¹This conjecture has been rendered still more satisfactory and conclusive by a letter from B. Pendleton, of Saco, of Aug. 13, 1676, which will be found in a note in a subsequent part of this chapter. This speaks of "a brief letter written from under the hand of Mr. Burras, the minister," from the island in Casco, to which the inhabitants of the town fled. See p. 145.

after the destruction of the Wakely family and the slaughter of young Ingersoll, many of the inhabitants sought refuge in more settled and secure parts of the country. The Jordan family went to the Piscataqua, James Andrews and his mother Macworth went to Boston, and John Phillips to Kittery. But the greatest number fled to Salem, where, January 11, 1676, by a vote of the town, they were admitted "with their families," "inhabitants during the time of the Indian wars, according to law." These persons were Geo. Ingersoll, George Ingersoll, jr., John Skillings, Goodman Standford, John Wallis, Francis Neale and Jenkin Williams, beside a number from Saco and other towns in the province, to the number of 21. The record in relation to their admission in Salem is as follows¹: "These persons above named being driven from their habitations by the barbarous heathen, are admitted as inhabitants into the town, they most of them informing they have provision for themselves and families one year."

By this withdrawal from the scene of action of so many inhabitants, the victims of the tomahawk were considerably reduced, but still enough were left to keep the knife of the sacrifice deeply tinged.

In the summer of 1676 the war was renewed, and all the tribes from the Piscataqua to the Penobscot were engaged in it. Several causes have been assigned for the outbreaking at this time; one was the death of a child of Squando, supposed to have been occasioned by the folly of some English seamen; another was that some Cape Sables' Indians were enticed away by a few Englishmen and sold for slaves. Another still, was a general complaint among all the tribes, that the English were prohibited selling ammunition to the natives, without which they could not live. None of these causes is sufficient in itself to account for such a universal rising as occurred at this time. Some of the Narragansett Indians having been driven from their own retreat, had fled eastward, and probably brought with them all the feelings of hostile partisans, stimulated by revenge, and smarting under the loss of property, country and friends. It is probable that these wanderers had promoted a spirit of hostility among the Indians here. And when they looked back upon the successes of the previous year, the ease, and almost entire freedom from danger, with which they spread desolation over the country,

¹From Salem town records, by the favour of Wm. Gibbs, Esq.

they were probably ready to seize slight pretexts to break their engagements and renew scenes so congenial to their minds.

The bloody tragedy was commenced on the 11th of August, at the house of Anthony Brackett, in Falmouth. The leader in this enterprise was Simon, who had not long before escaped from Dover prison, where he had been confined for his former murders, and found his way here by a counterfeit pass. He had made himself familiar with Brackett and insinuated himself into his confidence. On the 9th of August some neighbouring Indians had killed one of Brackett's cows, and Simon promised that he would bring the offenders to him. Very early on the morning of the 11th, he returned with a party of his comrades and told him *they* were the Indians who had killed his cow; this party immediately went into the house and took all the guns they could find. When Brackett asked the meaning of this, Simon replied that "so it must be," and gave him his choice to serve them or be killed. Brackett of course preferred the former alternative, and was bound with his wife and a negro servant and carried away with their five children. Nathaniel Mitton¹, brother of Brackett's wife, who was then there, offering some resistance, was killed upon the spot.

Brackett lived upon the large farm at Back Cove, now owned in part by Mr. Deering, and his house was on the ridge a short distance from the mansion now occupied by that gentleman. From Brackett's they passed round the cove to Presumpscott river, where they killed Robert Corbin, Humphrey Durham and Benjamin Atwell, who were making hay on Corbin's farm. The women and children in one of the neighbouring houses hearing the alarm escaped in a canoe. Corbin's wife, with the wife of one of the others, and the children of the third, were taken captive, as were also James Ross, the constable of the town, with his wife and children. They proceeded to other houses in the vicinity, where they killed some of the inhabitants and made prisoners of others; their names are not mentioned. Atwell and Corbin were brothers in law, and lived on adjoining farms, Durham lived on the other side of the river. The alarm was immediately communicated to another part of the town by "one Pike,²" who, with another man, was in his boat on the

¹He was the only son of Michael Mitton, and died without issue.

²Richard Pike lived on the west side of Muscle Cove; he had a son Samuel. A Capt. Pike commanded a coaster between Boston and Falmouth in 1688.

river a little above Corbin's house. When they heard the report of the guns, they suspected some mischief, and immediately turned back ; they soon saw an English boy running toward the river in great haste, and a volley of shot was fired, which passed over their heads. Simon presently appeared and called to them to come ashore, "but they liked not his curtesy," and passing down the river with all speed, when they came near to their own house they "called to the people to make haste away towards the garrison-house, and bid the rest look to themselves and fire upon the Indians that were coming against them."

These Indians, or some of their party, went over upon the Neck, where they shot John Munjoy, the eldest son of George, and Isaac Wakely, probably a son of Thomas. Three men who were going to reap at Anthony Brackett's, having heard from Munjoy and Wakely of the transaction there, left them to return, when hearing the guns, they turned towards Thomas Brackett's, who lived near Clark's point, where they had left their canoe, having probably crossed over from Purpoodyuck. Here they saw Thomas Brackett shot down, and his wife and children taken ; they then made their escape to Munjoy's garrison, at the lower end of the Neck, which had become a place of refuge. Megunnaway, "a notorious rogue," who had been engaged with the Indians in Massachusetts in 1675, was one of the murderers of Thomas Brackett, and probably instigated them to the bloody deeds of that day.

The persons who had found an assylum in Munjoy's garrison, not willing to trust to the security of the place, fled the same day to "James Andrews' island," which lies at the mouth of the harbour. From this place Mr. Burroughs immediately wrote to Henry Jocelyn, of Black Point, for succour. After they had secured themselves upon the island, they recollected that a quantity of powder had been left in one or two places in town, which they were desirous of obtaining, as well for their own protection as to keep it from the hands of the enemy. They resolved therefore to take measures in the night to recover it. They succeeded in the attempt, and brought away a barrel from the house of Mr. Wallis², and a considerable quantity from a chest in a store house ; the Indians had ransacked the chest, but had overlooked the powder.

¹Now Bangs' island. ²It is not said which Wallis ; Nathaniel lived at Back Cove, and John at Purpoodyuck.

Next day George Lewis who had remained in his house with his wife, without interruption, got safe to the island, together with two men who had been sent by the inhabitants some days previous to Major Waldron of Dover, to complain of Simon, against whom suspicion had begun to be aroused. George Felt also who lived near Muscle Cove, having seen the smoke which arose from the burning houses and barns here, had suspicions of the cause, and took his wife and children in a boat to ascertain the truth; but when he came to a point of land, probably at the mouth of Presumpscot river, he saw a quantity of his neighbours goods lying there, which warned him of his danger, and he sought safety upon the island with the other inhabitants.

In this attack upon the town, Hubbard says there were 34 persons killed and carried into captivity. The names of those who were killed as far as we can ascertain, were Benjamin Atwell, Thomas Brackett, Robert Corbin, Humphrey Durham, Nathaniel Mitton, John Munjoy and Isaac Wakely; the prisoners were Anthony Brackett, his wife, 5 children and a negro servant, Thomas Brackett's wife and three children, Corbin's wife, the wife of Atwell or Durham, and the children of the other, and James Ross, with his wife and children, making 17 prisoners, exclusive of the unknown number of children in the families of Ross and of Atwell or Durham. Others were killed and captured whose names are not mentioned. All upon the Neck probably escaped by the timely notice they received, except Munjoy, Wakely and the Brackett family. No mention is made of any lives having been lost at this time on the south side of Casco river, they were undoubtedly admonished of their danger, by the burning dwellings of their neighbours, in season to save their lives, if not their property¹.

¹The following letter written by Brian Pendleton of Saco, two days after the transaction, with which I have been favoured through John Farmer, Esq. who has the original in his possession, will be read with interest in this connection. It is superscribed "for the Honored Governor and Counsell for the Matacusets at Boston, With all speed." "Honored Governor together with the Counsell."

I am sorry my pen must bee the messenger of soe greate a tragedye. On the 11 of this instant wee heard of many killed of our naybors in Falmouth or Casco bay, and on the 12 instant Mr. Joslin sent mee a briefe letter written from under the hand of Mr. Burras, the minister. Hee gives an account of 32 killed and carried away by the Indians. Himself* escaped to an island—but I hope Black Point men have fetched him off by this time—10 men, 6 women, 16 children. Anthony†

*Burrroughs. †His information with respect to Anthony Brackett was not correct as we have seen, the letter was no doubt written before his fate was ascertained.

To what extent the buildings were destroyed, we have no means of ascertaining. It seems that the houses of Lewis and Wallis were not burned the first day, as one was visited in the night and the other

and Thomas Brackett and Mr. Munjoy his sonne onely are named. I had not time to coppinge the letter, persons beinge to goe post to Major Walden ; but I hope he hath before this sent the originall to you. How soon it will be our portion wee know not. The Lord in mercy fit us for death and directt ye harts and hands to ackt and doe wt is most needful in such a time of distress as this. Thus in hast I commit you to Gidance of our Lord God and desire your prayers alsoe for us.

Yours in all humility to serve in the Lord

Winter Harbour at night }
the 13 of August 1676" }

BRIAN PENDLETON."

On the 20th of Aug. George Munjoy was sent to Falmouth from Boston with 1500 lbs. of bread for the relief of persons there. In their instructions to Mr. Munjoy the government say, "Considering the distress the soldiers may be put into for want of their provisions as also the distress of the people on Mr. Andrews' island, you are hereby required forthwith to dispatch said vessel away without delay and deliver the said bread according to the order from Mr. Rishworth for the ends aforesaid and for the speedy relief of those on the island, the charge whereof is to be borne by that county." by order of Council.

Munjoy rendered this service, but not receiving compensation from the expected source, he petitioned the Gen. Court for allowance in October 1679.

The following letter from Richard Martyn of Portsmouth, to Gen. Dennison, contains interesting information relative to this period.

"Honored Sir,

This serves to cover a letter from Capt. Hathorn from Casco Bay, in which you will understand their want of bread, which want I hope is well supplied before this time : for we sent them more than 2 m. waight ; which I suppose they had last Lord's day night : the boat that brought the letters brings also word yt Saturday night the Indians burnt Mr. Munjoy's house and 7 persons in it, yt is his house at ye fishing Island. The Sagamore of Pegwackuk is taken and kil'd and one In. Samson by our army ; but the enemy is doing mischief apace. On Sabbath day a man and his wife namely one Gouge were shot dead and stript by ye Indians at Wells. Yesterday at 2 of the clocke Cape Nedick was wholly cut off only 2 men and a woman with 2 or 3 children escaped, so yt we expect now to hear of farther mischief every day. They send to us for helpe both Wells and Yorke but we had so many men out of our town yt we know not how to spare any more. Your speciall speedy order for the Impressing some from the Shoales will be of good use at present. Sir please to give notice to ye Councill yt supply be sent to ye army from ye Bay for they have eatin us out of bread, and here is little wheat to be gottin and lesse money to pay for it. Supplis may as easily be sent ym from Boston as from hence, and should there be another army come among us as I suppose there must speedily be wee shall be very hard put to it to find bread for them, the Lord direct you and us in ye great concerns that are before us, which dutifull service presented in haste I remaine

Sr your servant

Portsmouth Sept. 26, 1676.

RICHARD MARTYN.

Directed,

To ye Honored Maj. Generall Daniel Denison these present
In Ipswich.

Hast Post Hast.

By an Indian yt was taken the army was informed yt at Pegwacket there are 20 captives.

D. DENISON."

continued to be occupied until the next day. Hubbard mentions generally that the houses of those killed and taken prisoners were burned, we may therefore conclude that those of the two Bracketts, Corbin, Atwell, Ross and Durham at least, were destroyed. The houses no doubt like most of those of the first settlers in every new country, were of very ordinary description, probably one story with thached roofs and wooden chimneys, many of them mere temporary shelters built of logs filled in with clay.

The Indians proceeded with their captives from Falmouth to the Kennebeck river. On the 14th of August the war begun in that quarter ; in the first scenes of which, our Indians were probably not concerned ; Richard Hammond's house was attacked on that day, and himself with Samuel Smith and Joshua Grant were killed. The Indians then divided, eleven went up the river and captured Francis Card and his family, the remainder went down to Arrowsick island, now Georgetown, took the fort by surprise, killed Capt. Thomas Lake one of the chief proprietors, with many others and wounded several, among whom was Capt. Silvanus Davis, afterwards a prominent inhabitant of Falmouth. Here they were joined by the Indians from Falmouth and those who went up the river, and laid plans of future depredations.

It was on this occasion that Anthony Brackett and his family escaped out of their hands by means of an old birch canoe which his wife repaired with a needle and thread found in a deserted house. Their captors were so anxious to press forward and share in the success of their friends on the Kennebeck, that they left Brackett and his family to follow after them. Hubbard says, "in that old canoe they crossed a water eight or nine miles broad, and when they came on the south side of the bay, they might have been in as much danger of other Indians that had lately been about Black Point and had taken it ; but they were newly gone ; so things on all sides thus concurring to help forward their deliverance, they came safely to Black Point, where also they met with a vessel bound for Piscataqua, that came into that harbour but a few hours before they came thither, by which means they arrived safe in Piscataqua river soon after."

The Indians who had collected on Arrowsick in the beginning of Sept. were about 100, who having laid waste the country round, one division went to Sheepscott and Pemaquid, another made

attack on Jewell's island. Many of the inhabitants had fled from the main to this remote island, as a place of safety, and had trusted too securely in its distance, without taking sufficient precaution against a sudden invasion. There was at this time a fortified house upon the island, but it was almost without occupants and feebly guarded. Many of the people were absent procuring provisions for their families, when the enemy suddenly made their appearance. The occupants of the garrison resolutely defended it, until some who had been abroad returned "and desperately broke in through the Indians" to the fort, and prevented its being taken. The Indians soon after drew off and the inhabitants were relieved by a government vessel, which was called to their assistance by some who escaped from the island at the time of the attack. Several of the Indians were killed, and three of the English; two women and two children were taken captives. The wife of Richard Potts who was washing by the water side was taken with her children in sight of her husband, who was unable to afford his family any relief.

On the 23d of Sept. a number of those persons who had been driven from Casco and the vicinity, whose names are not given, except George Felt's, being driven by the distress which their families were suffering for the necessaries of life, ventured to go upon Munjoy's island¹ to procure provisions, there being a number of sheep there. They had scarcely landed 6 or 7 men, when the Indians fell suddenly upon them; and although they defended themselves with desperate courage from the ruins of a stone house, to which they had retreated, yet they were all destroyed. Felt was much lamented; he was a useful and enterprising man, and had been more active against the Indians than any other in this vicinity. He left a family, who moved to Chelsea, in which neighbourhood his descendants are yet living. His wife was a daughter of Jane Macworth, by whom he had three sons, George, Samuel and Jonathan².

As soon as news of the commencement of hostilities reached the government of Massachusetts, measures were taken to afford protection and assistance to the inhabitants. 130 English and 40 friendly Indians were despatched under the command of captains Hawthorn, Sill and Hunting, who were to be joined with such forces as could be raised in the province. They proceeded by the coast to Falmouth,

¹Now called Peak's island. This unfortunate event is referred to in Martyn's letter, ante. p. 146, note. ²The father of George Felt sen'r. was born in 1601: he lived in North-Yarmouth.

where the head-quarters of the enemy were supposed to be. They arrived at Casco bay Sept. 20, and although every plantation west of it had suffered depredations from the enemy, they met with but two Indians on their march. One they killed and the other escaped at Falmouth to Back Cove and gave notice of the approach of the forces to his comrades, who had been heard a short time before threshing in Anthony Brackett's barn. They were thus enabled to escape. This expedition produced no permanent advantage; wherever the troops appeared, the enemy fled from their presence, and nothing could be found of them but the desolation which they left behind. They left this part of the country in the beginning of October, and about a week afterwards, the Indians rallied their forces 100 strong, and Oct. 12, made an assault upon Black Point. The inhabitants had collected in the garrison of Henry Jocelyn; who endeavored to negotiate a treaty with Mugg, for their safe retreat. When he returned from this service to the garrison he found the inhabitants had fled to their boats and carried their property with them, leaving Jocelyn alone with his family and servants; he was consequently obliged to surrender at discretion¹.

¹Mr. Farmer has favoured me with the following document. "A list of the inhabitants at Black Point Garrison Oct. 12 1676.

In ye Garrison	Daniel Moore	Living muskett shott	Ralphe Heison
	John Tenney	from ye Garrison	Mathew Heyson
	Henry Brookin		Joseph Oliver
	Nathaniell Willett		Chris'r Edgecome
	Charles Browne		John Edgecome
	Edward fairfield		Michael Edgecome
	Hampton & Salisbury	Living thre muskett	Robert Edgecome
	soldiers.	shott from ye garison	Henry Elkins
In ye hut's with	francis Sholet		John Ashden
out ye Garrison	Anthony Roe		John Warrick
but joining to it	Thomas Bickford		Goodman Luscome
	Robert Tydey		Tymothy Collins
	Richard Moore		Andrew Broune sen.
	James Lybbey		Andrew Broune
	John Lybbey		John Broune
	Anthony Lybbey		Joseph Broune
	Samuel Lybbey		Ambrose Bouden
	George Taylor		Constable
	James Ogleby		Tho. Cuming
	Dunken Chessom		John Herman
	William Sheldon		Sam'l Oakman sen.
	John Vickers		John Elson
	Rrd. Bassen		Peter Hinkson
	Ro'rt Elliott		Ricd. Willin
	francis White		John Symson
	Richard Honeywell		Tho. Cleaueley
	John Howell		John Cooke
			R'rd Burroughs

They next proceeded to Richmond's island ; a vessel was lying here belonging to Mr. Fryer, of Portsmouth, which had been sent, by the solicitation of Walter Gendall, to preserve the property upon the island. While they were engaged in this duty, they were attacked by a multitude of the enemy. Owing to the unfavourable state of the wind, they were unable to get their vessel out of the harbour ; the enemy seized this advantage and proceeded to cut the cable of the vessel, while part of them stood ready to shoot down every man who appeared on her deck to render any assistance. Under these circumstances the vessel was driven on shore, and the crew, consisting of eleven persons, were taken prisoners. Among them was James Fryer, son of the owner, a respectable young man of Portsmouth, who afterwards died of wounds received in that engagement ; also Walter Gendall, who became of service to the enemy as interpreter and messenger.

The affair at Richmond's island was the last in Falmouth, during the war, and the war here may be said to have ceased for want of victims. Mugg, who had led the Indians in the two last attacks, seemed now to be desirous of peace, and for that purpose went to Portsmouth on the first of November, carrying James Fryer and offered to enter into a treaty. The commanding officer there, not being authorized to negotiate, sent him to Boston, where on the 6th of November, articles of pacification were entered into with the Government, by Mugg, in behalf of Madockawando and Cheberina, Sachems of Penobscot. Mugg, as a pledge of his fidelity, consented to remain a hostage until the property and captives were restored.

There was a great reluctance on the part of the Indians to comply with the terms of the treaty, and on one pretext and another they evaded the principal articles. They had no reason thus far to be dissatisfied with the war ; they had taken at least 60 prisoners and a large amount of property, and had lived upon the best fruits of English industry, while they had lost but very few men. Their range over the country was now unimpeded, and they had nothing

A list of ye names of those yt ware
prest by vertue of Capt. Hartherne's order
to be for ye service of ye Garrison of
ye inhabitants aforesaid.

Francis Shealett
Edward Hounsflow

James Ogleby
John Cocke
Daniel Moore
Dunken Chessom
Richard Burrough
William Burrage."

but a dread of future retribution from the English, to induce them to lay down their arms. That so small a number of Indians should have been able to have committed so great depredations and outrages upon such a long line of settlements, can only be accounted for by supposing the energy and judgment of the people to have been overcome by panic. Although their habitations were scattered and their preparations for defence feeble, still had they in the first onset made a resolute resistance, they would have inspired terror into the enemy instead of feeling it themselves. It appears from an estimate presented to the committee of the colonies in England in 1675, that the militia in Maine, including Sagadahock, amounted to 700, of which 80 were in Casco bay, 80 in Sagadahock, 100 in Black point, 100 in Saco and Winter harbour, 80 in Wells and Cape Porpus, 80 in York, and 180 in Kittery¹. The Indians never had fighting men to be compared with this number, and yet they entirely destroyed most, and for three years harrassed the remainder of the settlements in the province.

Madockawando and Squando were the most powerful chiefs during this war ; they are described by Hubbard as “ a strange kind of moralized savages ; grave and serious in their speech, and not without some show of a kind of religion.” “ It is also said they pretend to have received some visions and revelations, by which they have been commanded to worship the great God and not to work on the Lord’s day.” These notions are attributed to their intercourse with Catholic priests. These two celebrated persons held in their hands for a time the destinies of the eastern country. Mugg was the *prime minister* of the Penobscot Sachem, an active and shrewd leader, but who by his intimacy with English families, had worn off some of the ferocities of the savage character.

The attempts at peace in the latter part of 1676, proving unsuccessful, the war was continued through the next year, spending its force principally in the western part of the State. Simon, who commenced the tragedy at Casco, was not idle in its closing scenes. On the 16th of May, a party under Mugg, attacked the garrison at Black point, which was resolutely defended for three days ; in the

¹Chalmer’s Annals. The *daily* pay of the militia who served in this war was for a General 6s., Captain 5s., Commissary Gen. 4s., Surgeon Gen. 4s., Lieut. 4s. Ensign 4s., Sergeant 2s. 6d., Corporal 2s., Private 1s. 6d. Indian corn was from 2s. 6d. to 3s. a bushel. A cow 45s. Morton’s mem. 460.

latter of which, the active leader of the beseigers having been killed, the seige was precipitately abandoned. This ill success was however revenged on the same spot in the following month, when a large force having been sent to that place, without experience in the kind of warfare were drawn into an ambuscade and nearly all destroyed.

In the summer, the enemy were checked near the seat of their power by the interference of Major Andross, Gov. of New York, who sent a force to protect the interest of the Duke of York in his province. He established a strong garrison at Pemaquid, which overawed the Indians of that neighbourhood ; the next spring they made proposals to the government for peace, and commissioners were appointed to treat with them. The commissioners, Messrs. Shapleigh and Champernoon, of Kittery, and Fryer, of Portsmouth, proceeded to Casco, where they met the Indians, and mutually signed articles of peace on the 12th of April, 1678. By this treaty the people were permitted to return to their habitations, and it was agreed that they should occupy them without molestation, paying annually to the Indians one peck of corn for each family, except Major Pendleton, of Saco, who having a larger estate, was required to pay one bushel annually. The captives were all restored, and an end was put to a relentless war, in which whole families were sacrificed, human nature exposed to detestable cruelties, and property wantonly destroyed. The doom of Falmouth was pronounced at once, it was not called to transient and often repeated suffering, but after the unhappy fate of the Wakely family, it was crushed by a single blow, and I do not find one trace of its having been reoccupied until the peace. Some of the persons from Falmouth who were taken captives, will be briefly noticed : we have already spoken of the escape of Anthony Brackett and his family ; the wife of Thomas Brackett perished in the first year of her captivity¹ ; her three children survived, and afterwards lived in Greenland. James Ross and his family were restored and afterwards lived in Falmouth. Walter Gendall was subsequently an inhabitant of Falmouth and then of North Yarmouth, where he was killed. He had exposed

¹She was Mary, a daughter of Michael Mitton ; her children were Joshua, who died in Greenland, and was father of our townsmen, Anthony and Joshua, who owned the large tract of land extending from Clark's point across the Neck to Back Cove. Her other children were Sarah, who married John Hill, of Portsmouth, and Mary, married to Christopher Mitchell, of Kittery. They did not return to Falmouth.

himself to suspicion, while a prisoner among the enemy, of having betrayed the English, and was tried for the offence at Boston in Sept. 1677. The record is as follows : "Walter Gendall, of or near Black point, being presented and indicted by the grand jury, and left to trial, was brought to the bar and was indicted by the name of Walter Gendall, for not having the fear of God before his eyes, and being instigated by the devil, in the time of the war with the Indians, in a perfidious and treacherous way, against the inhabitants of this colony's peace and safety, sought to betray them into the enemy's hands, by his endeavour and counsel, contrary to the peace of our sovereign lord the king, his crown and dignity, and the law of this commonwealth—To which indictment he pleaded not guilty, and referred himself for his trial to the bench. The magistrates having duly weighed the indictment, and the evidences in the case produced against him, found him guilty of the indictment, and do therefore sentence him to run the guantelope through the military companies in Boston on the 10th inst. with a rope about his neck ; that he forfeit all his lands to the country, and be banished out of this jurisdiction, to be gone by the 6th day of October next, on penalty of perpetual imprisonment if he return again, and discharging the costs and charges of this prosecution." What was the nature of the offence for which this severe punishment was inflicted, does not appear ; that there was some misinformation to the court about it, may be inferred from the fact, that he was soon after restored to the possession of his lands and to public confidence. In July 1680, we find him acting as one of the commissioners of Falmouth ; in 1681, he was appointed by Pres. Danforth to regulate the settlement of North Yarmouth ; in 1683, fort Loyal, in Casco, was committed to his care, and in 1684 he was a deputy to the General Assembly of this province. Gendall's name occurs first in Falmouth as a jurymen, in 1666 ; in 1669 he exchanged farms with Michael Madiver, of Black point, and is then called " Planter dwelling in the town of Falmouth." June 3, 1680, he bought of " George Felt, sen. of Casco, planter," 100 acres " on the westward side of George Felt's ould house in Casco bay ;" this tract adjoined Falmouth line, and was afterwards occupied by Gendall.

Among the persons who were driven from Falmouth and did not return, was the Rev. Robert Jordan. This ancestor of the

numerous race of Jordans, ended his active and uneasy life at Portsmouth, N. H. in 1679, in the 68th year of his age. His will was made at Great island, in Piscataqua river, January 28, and proved July 1, 1679. He had lost the use of his hands before his death and was unable to sign his will. He left a widow, Sarah, the only daughter of John Winter, and 6 sons, viz. John, Robert, Dominicus, Jedediah, Samuel and Jeremiah. In his will he confirmed to his sons John and Robert, the land that he had previously conveyed to them, which was situated in Cape Elizabeth; John had Richmond's island¹. He bequeathed to his wife "the ould plantation" in Spurwink, containing 1000 acres, and lying between the lands of his sons John and Dominicus; and also the Nonsuch farm in Scarborough, containing 2000 acres. To Dominicus he bequeathed 1000 acres at Spurwink, adjoining the old plantation; to Jedediah 1000 acres, and to Samuel 1100 acres, both at Spurwink. The particulars of the various bequests may be found in the will which we have reserved for the appendix².

Jordan has been so often noticed in the preceding pages, that it will not be necessary to speak particularly of him now. For more than thirty years he occupied a large space in the affairs of the town, and of the Province. He was an active, enterprising man, and placed by education above the mass of the people with whom he connected himself. Although he came as a religious teacher, the affairs of the world and the gratification of ambitious views appear soon to have absorbed the most of his attention and to have alienated him from his profession. His posterity for many years exercised very great influence in the concerns of the town, and long maintained a high standing in the province. They are still very numerous and respectable. John and Robert did not fix their permanent residence here; the former married Elizabeth, daughter of Elias Stileman, of Portsmouth, in 1677 or 1678; and Robert conveyed to Nathaniel Fryer, of Portsmouth, July 14, 1679, "the land in Cape Elizabeth which he received of his father." Part of the "Ould plantation" is now owned and occupied by Dominicus, the great grandson of Dominicus, the 3d son of the first Robert, who from his great age

¹Robert Jordan conveyed "Richman's island" to his son John, January 25, 1677, in consideration of £10, a legacy from his grandfather Winter; he made the conveyance as administrator of Winter.

²See Appendix No. 6.

and activity being now (1831) 91 years old, is called by way of distinction "Old Stuff."¹ He points with pride to the scenes around him, dear to his affections by being associated with the feats and names of his ancestors. The first Dominicus was killed in 1703 by the Indians, with a hatchet, and his wife and children carried to Canada; his eldest son Dominicus was 13 years in Canada, and then run away; his name frequently occurs in the late transactions of the town; he attained the rank of Major and died 1749, aged 66; his son Dominicus died 1788, aged 72, the 4th Dominicus, eldest son of the last, is still living, the oldest man in the town having been born April 19, 1740, old style. The first Dominicus married Hannah, a daughter of Ralph Tristram of Saco, and some of their posterity have for many years filled a respectable place in the annals of that town.

A notice of the second marriage of Anthony Brackett which occurred in 1679, carries us back to his first wife, Ann, the daughter of Michael Mitton. The skilful escape of herself and family from captivity, which Hubbard ascribes to her penetration and fortitude, places her in the rank of heroic women. The language of Shakespear is not forcible enough to describe the canoe with which the family crossed Casco bay,

"A rotten carcase of a boat, not rigg'd,
Nor tackle, sails, nor mast; the very rats
Instinctively had quit it."

The time of her death is not ascertained; the escape was in August 1676, and the subsequent marriage was before Sept. 30, 1679. Her children were Anthony, Seth, Mary, Elinor and Kezia; the latter was an infant when they were captured; it does not appear that she had any other.

The notice to which we have referred is an agreement between Brackett and Abraham Drake, to which, from its unusual character, we have given place. "Articles of agreement made and concluded on between Anthony Brackett, jr., of Casco bay, on the one party, and Abraham Drake, sen. of Hampton, in the county of Norfolk,

¹This family is rather peculiar for distinctive epithets, which have been applied to its members, probably from the number who have borne similar names; Jeremiah, a grandson of Robert was called French Jeremy from his having been taken a prisoner by the French, another was called "Cock Robin" Jordan; within a few years there were nine by the name of Nathaniel Jordan, living at the same time, in Cape-Elizabeth, who were distinguished by divers epithets.

N. E.—Whereas the said Anthony Brackett, widower, is lately joined in marriage with Susannah Drake, single woman, and the eldest daughter of the said Abraham Drake, of Hampton, therefore know ye that I, the said Anthony Brackett, have covenanted and agreed, and by these presents do covenant and agree to and with the said Abraham Drake, as a feoffee in trust for and in behalf of the said Susannah, my present wife, that I do by these presents instate the said Susannah by way of jointure one half of all my lands and housing, which I have in Casco bay, or shall have according to the true estimation and value thereof, for her free jointure during her natural life, and to be and to remain to her and her male heirs begotten of her body by me, said Anthony Brackett, her present husband. Having made this promise before marriage, I do consent to it with my hand and seal, and what the Lord shall add unto my estate during our natural lives together ; made at Black point, Sept. 30, 1679. Witness, Thomas Scottow.”

A dispute arose between the children of the two marriages respecting this property ; one claimed it by virtue of the jointure, while the other contended that it belonged to their mother, and consequently that their father had not power to alienate or entail it. It was finally adjusted by an amicable division.

NOTE.—The following persons were living in Casco bay, out of the limits of Falmouth in 1675 ; we do not avouch the catalogue to be complete, but it contains all the names that we have met with. Richard Bray and John his son, John Cousins, Wm. Cocke, Henry Donnell, Nicholas Cole, George Felt, Moses Felt, John Holman, Wm. Haynes, Thomas Haynes, Robert Gutch, James Lane, John Maine, James and John Mosier, Richard Pattishall, Richard Potts, Thomas Purchase¹, James Purrington, Elinor Reading, widow of Thomas Reading, Wm. Royall and his sons William and John, John Sears, Thomas Stevens, Alexander Thwoit², Thomas Wise and Nicholas White.

¹Purchase lived on Merrymeeting bay.
by Merrymeeting bay and the Kennebec.

²Thwoit lived on the point formed

CHAPTER 8.—1678.

Purchase of Maine by Massachusetts—Government—Resettlement of Falmouth—Danforth's grants—Other titles on the Neck—Grants by the town—Silvanus Davis—Munjoy's death and family—First tavern, Seacomb, Jones, Cloice—Death of Mrs. Harvey and George Lewis—George Burroughs.

WHILE the government of Massachusetts was engaged in resisting the incursions of their savage foe upon their whole frontier, they were summoned to defend their civil privileges and the integrity of their territory. Their enemies in England had besieged the ear of the king and so far abused it as to create a prejudice in relation to that colony, which occasioned its friends no little anxiety. A *quo warranto* was issued, and they were required by a letter from the king, dated March 10, 1676, to send over agents to answer the charges exhibited against them. This command was complied with, and the agents sailed in October 1676. They were so far successful as to procure a confirmation of the charter with its original bounds, but the jurisdiction of Massachusetts over Maine and New Hampshire was annulled, and those provinces respectively restored to the heirs of Gorges and Mason.

When this decision reached the colony, its government ever watchful over its interests, immediately took measures to secure the Province of Maine, of which this decision deprived them. For this purpose they employed John Usher, a merchant of Boston, to negotiate with Mr. Gorges, a grandson of Sir Ferdinando, for the purchase of his propriety. This undertaking was successfully accomplished, and Usher received a deed of the whole province from Piscataqua to Sagadahock, in 1677, which on the 15th day of March, 1678, he by indenture conveyed to the Government and company of Massachusetts for £1250 sterling¹. This ended all controversy between Massachusetts and the Gorges family respecting the soil and government of Maine ; but not so with the English government, to whom the transaction gave great offence. The latter contended

¹Hutchinson says the price was £1200, but Usher's deed to Massachusetts, on York Rec. expresses the sum of £1250, as the consideration. Richard West's report in "Chalmers' Opinions of Eminent Lawyers."

that the *jurisdiction* over a colony or province was inalienable, and that by the conveyance, although Massachusetts might have acquired a right to the soil, she acquired none to the government, which consequently reverted to the crown. And they went so far as to require an assignment of the province from Massachusetts on being repaid the purchase money. But the government of the colony kept steady to their purpose, justified their purchase as having been done by the desire of the inhabitants, and were wholly silent on the subject of the reconveyance¹. The subject was continually agitated, until it was finally settled by the charter of 1691, which not only included the Province of Maine, but the more remote Province of Sagadahock, and carried the eastern boundary of Massachusetts to the western limits of Nova Scotia.

After the purchase of Maine, many persons in Massachusetts were desirous of selling the province to defray the expense of defending it during the late war, which was estimated at £8000. A committee of the General Court was appointed for this purpose, but the vote was reconsidered, before any further measures were taken on the subject.

It now became necessary to adopt a new form of government for the province, since the jurisdiction was no longer claimed as a matter of right under the patent of Massachusetts, but as proprietor by right of purchase. She was no longer to be represented in the General Court as an integral part of her chartered territory, but a local proprietary government was to be established over the province, such as was authorized by the charter to Gorges.

In pursuance of this plan, Thomas Danforth, then exercising the office of Deputy Governor of Massachusetts, was appointed President of Maine in 1679, and invested with powers for its government in subordination to its new proprietor. He repaired to York in March 1680, proclaimed his authority, exhibited his commission, and constituted a government composed of a Deputy President, a Council, and an Assembly consisting of the representatives of the people. The first General Assembly was held March 30, 1680, at York.

It cannot be disguised that this state of things was not agreeable

¹The agents in 1682 were authorized to give up the deeds of Maine, if it would be the means of saving the charter, otherwise not. 1 Hutch. 303. The sacrifice did not become necessary.

to many persons in the province, and they did not cordially submit to it. In 1680 a petition was transmitted to the king signed by 115 persons living in different parts of the province, remonstrating against the new government, and praying to be restored to his immediate authority. Sixteen at least of the petitioners lived in Falmouth. They complain of the imposition of a tax of £3000 upon the three towns of Wells, Kittery and York, as an intolerable burden after the heavy losses sustained during the late Indian war¹.

In the first General Assembly all the towns in the province were represented but Cape Porpus, Scarborough and Falmouth ; Walter Gendall appeared from the latter town, but having no certificate of his election was not allowed a seat. Anthony Brackett was appointed by the court, Lieutenant of Falmouth, and Thaddeus Clarke Ensign.

Soon after the peace concluded at Casco April 12, 1678, the inhabitants begun to return to their desolate lands. On the 13th of November of that year Edward Allen, of Dover, N. H. conveyed to George Bramhall, of Portsmouth, all that tract of land, which George Cleeves had sold to his father, Hope Allen, in 1660, except 50 acres which he had previously disposed of. The whole tract contained 400 acres, extending westerly to round marsh at the narrow of the Neck, and included the hill which now bears the name of its old proprietor. Bramhall was a tanner : he moved here in 1680, and established a tannery upon the flat under the hill near the entrance upon Vaughan's bridge, where the remains of the vats may still be traced.

Anthony Brackett, as we have seen by the extract relating to his second marriage, had returned in 1679 ; and it is probable that most of the ancient settlers whose property and means of support were here, came back on the conclusion of peace. A fort was erected on the point at the foot of king street, called fort Loyall. At this fort President Danforth held a court in Sept. 1680, for the purpose of settling the inhabitants in a more compact manner than heretofore, the better to enable them to resist future attacks of the Indians. The record of his proceedings at this time, although imperfect, we shall borrow entire from York Registry ; his grants covered that part of Portland now of the most value, and the centre

¹This document will appear in the 1st vol. of the collections of the Maine Historical Society.

of trade. He appropriated the soil under Massachusetts as chief proprietor, and we have met with but one instance which will be hereafter noticed, the case of the Munjoy title, in which compensation was demanded and awarded. The record is as follows: "At fort Loyall in Falmouth 23 7br 1680 Granted unto the persons whose names are hereunder written, houselots upon the neck of land near the fort viz:

1. To Mr. Bartholomew Gedney on the westerly side of the cove one lot in breadth against the cove about 6 rods more or less as now marked, reserving for a highway against the cove 4 rods in breadth, and the said lot to be in length 20 rods and on the southerly side of the highway to have the privelege of the cove for wharfing¹.
- " 2. To John Ingerson one lot lying next to Mr. Gedney's westerly, of like breadth, length and conditions in all respects.
3. To George Ingerson one lot.
4. " John Marston " "
5. " Isaac Davis " "
6. " Francis Nichols " "
7. " Thomas Mason " "
8. " Samuel Ingerson " "

All these on the west side of the cove, breadth and length as the others. Further it is granted to Mr. Gedney, George Ingerson and John Ingerson, that instead of 60 acres a piece accomodation on some of the islands, they shall be allowed the like quantity in the place where George Ingerson's corne milne standeth. The like grant is made to Francis Nicholls, Thomas Mason and Joseph Ingerson, Lt. George Ingerson, Samuel Ingerson and John Wheelden.

9. To John Skillin his house lot as now marked.
10. " Joseph Ingerson one house lot.
11. " Lt. George Ingerson his house lot.

Memo. Highways are to be allowed sufficient to the milne² and between each lot, &c.

" Lots granted on the east side of Broad-street³.

¹Gedney was never an inhabitant, he was a great land speculator here and at North Yarmouth; he lived in Salem. He afterwards sold his grant to Silvanus Davis. The lot extended back to what is now called Newbury street, originally named *Fleet street*, afterwards Turkey lane. The cove here mentioned is Clay cove.

²The mill here noticed was probably at Capisic, and is no doubt the same before noticed as George Ingersoll's. Ingersoll afterwards had a corn mill on Barberry Creek in Cape-Elizabeth.

³Now King-street.

1. To Daniel Smith, the first lot next to the fort.
2. " Wm. Clemens the second lot.
3. " John Lowell (or Powell) the third lot.
(4th and 5th are blank).
6. " Henry Ingalls' the 6th lot.

" And it is granted liberty of wharfage and building ware-houses on the east side of the fort under the rocks, not prejudicing the benefit of the fort for the security of the water ; Daniel Smith to begin and the rest in order.

Lots laid out on the west side of Broad-street.

To Capt. Edward Tyng the first lot.

" Henry Harwood the second lot.

" Michael Farley jr. the third lot.

" Augustine John the fourth lot, with liberty in the cove *arment* for a brick yard².

Lots granted against the Great Bay³.

To Capt. Silvanus Davis the first lot westward.

" Mr. John Jacob the second lot.

" Ensign Nathaniel Jacob the third lot.

" Robert Greenhaugh the fourth lot.

" These are to run up as high as the north side of the sixth lot against Broad-street and to divide the land at the north end between the said lots and Mr. Munjoy's equally as to breadth.

" To Mr. Munjoy the 5th lot, being 20 rods front upon the water side and to run up the same breadth 20 rods on the north side of his barne, the highway cross excepted.

" It is also ordered that there shall be an highway 3 rods wide left against the water side towards the meeting house⁴, and the land between said highway and low water mark shall belong to the owners

¹Two persons Henry Ingalls sen. and jun. were living in Salem in 1696.

²John was a Frenchman and purchased of widow Housing a small lot west side of Presumpscot river, where he lived. I have some doubt whether John Gustin and Augustine John are not the same person ; the descendants of John Gustin are numerous here. The word *arment* is so in the record ; it was probably incorrectly copied. As this lot extended down to Clay cove, the grant was doubtless intended to convey a privilege on the cove in the rear of the lot for the purpose of making bricks.

³The bay between fort point at the foot of King-street and Jordan's point ; at the northwesterly part of this bay was the town landing ; the beach was in later times called Moody's beach.

⁴The meeting house stood on the point then called meeting house point, now Jordan's.

of said lots. Also it is ordered that the landing place at the head of great cove shall remain in common to the town as it is now staked out ; and the line on the south side of the highway between said lots shall run parallel to the bounds of the cove reserved in common.

To Mr. Saltonstall¹ for Meshac Farley, the next lot eastward to Mr. Munjoy.

To Mr. Saltonstall one lot more adjoining to Meshac Farley.

These last two lots to be in length northward 20 poles.

"23 September 1680, by Thomas Danforth, President, Fort Loyall 23 7h. 1680. These within and above written orders being read to the selectmen of the town of Falmouth, they manifested jointly their full and free consent thereto. Present Lt. Anthony Brackett, Mr. John Walley (Wallis) Lt. George Ingerson, Ensign Thaddeus Clarke.

"Also there is granted to John Skillin one house lot on the west side of the lot where his house now standeth and is staked out, and also the lands that were his father's at Back Cove are confirmed to him ; also a parcel of meadow land about 3 acres more or less situated above a milne at Capisick river is confirmed to him, the which land he was to have had by purchase of Nathaniel Wallis."

It was Danforth's object to prepare a settlement here which should contain within itself the means of defence, and having accomplished this point, as he supposed, by making grants around the fort in every direction, he paid no regard to the outlands. It was one of the conditions of each grant of a house lot, that the grantee should make improvements upon it by building ; we consequently find that a village arose at once, where before was little else than an unfrequented forest. The grantees whose names follow, did not reside here, viz. Gedney, John Marston, Mason, Smith, Clemens, Lowell, Ingalls, John² and Nathaniel Jacob, Robert Greenhaugh and Farley. Gedney and Mason lived in Salem, the former sold his house lot to Silvanus Davis, the latter to Peter Morrill, who respectively improved them ; John Jones improved Farley's on King-street.

The eleven lots laid out on the west side of Clay Cove are supposed

¹Nathaniel Saltonstall was one of the magistrates of Massachusetts, and was here at this time with Danforth.

²A John Jacob was the first deacon of the church in Cohasset in 1721, an aged and very worthy man. Hist. of Cohas. In the war of 1688, a person of the same name was commissary for the troops in Maine. A family of this name was implicated in the witchcraft tragedy of Salem in 1692. Ephraim Marston settled here, he afterwards lived in Salem, he may have taken John's place.

to have extended about 70 rods, which would carry them to about where Union street now is, and back to Middle-street, which was not then laid out but was probably the place reserved for a highway to the mill. We are able to locate but a part of the eleven lots ; Gedney's is sufficiently described in the grant as lying next to the Cove, and John Ingersoll's next ; George Ingersoll's extended westerly to where Willow-street now is ; his son Daniel occupied it and sold it to Moses Pearson whose heirs and assigns now improve it. The lot of Lt. George Ingersoll, the father of the before named George, was situated on the east side of Exchange-street ; Samuel Ingersoll's adjoined it, on the east side, and Joseph Ingersoll's on the west. The lots of Marston, Isaac Davis, Mason and Nicholls, undoubtedly lay between John Ingersoll's, the second from Clay Cove and George Ingersoll's on Willow-street. Marston's heir living in Salem, sold his ancestor's lot to Samuel Moody in 1719, and described it as adjoining Isaac and Silvanus Davis's.

On the west side of King-street, the first lot was Capt. Edward Tyng's, nearly opposite the fort, of which for a time he was the commander, and extended from King-street to Clay cove ; the next was Henry Harwood's, who was a Lieut. ; next came Michael Farley jr. who does not appear to have lived here, John Jones improved the lot ; Farley was living in Ipswich in 1730 ; Augustine John's lot came next which was improved by Wm. Pierce¹. These four lots bring us to Middle-street, on the opposite side of which was the land of Thomas Cloice, extending north to Fleet-street ; he had a house on the lot. From Fleet to Queen, now Congress-street, Silvanus Davis had a tract containing 2 1-2 acres which was surveyed to him in 1687.

We have not been able to ascertain that the lots on the east side of King-street were occupied by the persons to whom they were granted. Their names are not familiar in our history, and we conjecture that they and some others who received grants, were persons who accompanied Danforth in his expedition and received lots as gratuities or under the expectation that they would settle here. The lots lying on the great bay, as it was called, east of King-street,

¹Pierce was heir of Launcelot Pierce of Pejepscot, his mother was daughter of Thomas Stevens of the same territory : he bought the lot above mentioned of Sam. Webber, Nov. 24, 1683. After the destruction of the town he lived in Milton, Mass.

which at this time and long afterwards were the most valuable spots in town, were occupied as follows : 1st. Richard Seacomb, who may possibly have taken the lot granted to Daniel Smith or Wm. Clemens on King-street. Jonathan Orris, blacksmith, and John Brown adjoined Seacomb, and probably extended up King-street ; but next, and the first on the bay came Silvanus Davis, whose lot was 147 feet front and extended back 630 feet, to the burying ground, which occupied a small spot in the south westerly part of the present cemetery. On this spot Davis had a dwelling house in which he lived, and a ware house, the most extensive in this part of the country in 1687. The Munjoy family occupied that part of the Neck east of Davis's, and Robert Lawrence who married Munjoy's widow, built a stone house upon the brow of the hill near the old breast work, where he lived until the second overthrow of the town, in which he perished.

In looking at the upper part of the Neck, within the present limits of Portland, we find Bramhall's large farm covering the whole western extremity ; next on the eastern side were 45 acres, part of the estate of Nathaniel Mitton, which his administrator, John Graves, sold to Silvanus Davis, John Phillips of Charlestown, John Endicott, and James English of Boston, in 1686¹ ; it extended from Fore river across the Neck. It is now occupied under the original title. Next came the large tract extending down the river to Robinson's point, occupied by Mrs. Harvey, Michael Mitton's widow, and her son-in-law Thaddeus Clarke, whose house was on the bank of the river just above the point which bears his name and where the cellar may still be found. Clarke subsequently conveyed to Edward Tyng, who married his daughter Elizabeth, 44 acres of this tract, which extended from the river northwesterly across where Main-street now is. Tyng had this lot surveyed in 1687, and then had three houses upon it, in one of which he lived. Next were 3 acres which Mrs. Harvey sold to Richard Powsland in 1681 ; then Anthony Brackett had 5 acres, which he sold to Peter Bowdoin in 1687 ; next came a lot belonging to Nicholas Bartlett, the extent of which we have not succeeded in ascertaining ; then 3 acres belonging to Capt. Tyng ; next 2 acres belonging to Joseph Hodgdon, sold to James Mariner in 1686. After these came the 30 acres confirmed by the town to George Bur-

¹This was a company which engaged in very large speculations in this town between the years 1680 and 1690.

roughs, the minister in 1683. Of this 30 acres Burroughs sold 23 to Peter Bowdoin in 1688, lying between Fore river and Back Cove a few rods above Centre-street, the remaining 7 acres extending below Cotton-street, he conveyed to John Skillings in 1683, in exchange for the house lot granted by Danforth to the latter. Each lot had a house upon it. That of Burroughs was erected by the town and stood on Congress-street, near where Preble-street now joins it. The description of the 7 acres in this agreement is as follows : " Imprimis it is agreed that the said George Burroughs doth make over and confirm unto the said John Skilling, carpenter, and his heirs forever, his house built and given him by the people of Falmouth, with 7 acres of land joining to the said house ; laid out and bounded, viz. lying from the edge of the swamp behind the house, from thence running 4 score poles southerly, fronting upon the river 14 poles." The land from Main-street to the river where Cotton-street now is, was formerly a swamp. We are able to fix upon the location of this tract with more certainty by conveyances subsequently made by Samuel, son of John Skillings, from whom the Cotton title on Centre and Cotton-streets is derived. The scite of the house is determined by an ancient plan.

Joseph Webber, Samuel Webber, Richard Broadridge, Dennis Morough and Francis Jefferds had lots on Queen, now Congress-street : Morough's was 3 acres lying where School-street is ; he sold it to Anthony Brackett. Broadridge's was next above and Jefferd's next below. John Ingersoll and Francis Nichols had a lot on the south end of Morough's, which extended to Middle-street.

It appears by the record of Danforth's proceedings here, that the town was reorganized under a municipal government previous to his court in Sept. 1680. That document presents us only the names of the inhabitants who had grants around the fort, other of the former settlers returned to their farms in other parts of the town¹. Some however never returned as Francis Neale² and Jenkin Williams, the

¹" Upon the peace the English returned unto their plantations ; their number increased ; they stocked their farms, and sowed their fields ; they found the air as healthful as the earth was fruitful ; their lumber and their fishery became a considerable merchandize ; continual accessions were made unto them." *Mather's Mag.* 2. 505.

²Mrs. Macworth, Neale's mother in law died in Boston in 1676. Neale sold his land in Falmouth to Jos. Holmes, who, April 16, 1681, mortgaged it to Joshua Scottow, and styled himself " late of Cambridge, now resident in Casco."

former continued to live in Salem, the latter is subsequently found in Manchester, in the county of Essex. Nor do we meet, after the war, with the names of John Cloice, John Lewis, Phineas Rider, Thomas Skillings and John Phillips ; some of them were probably killed during the war. Other settlers however flowed in rapidly and the places of those who did not return were soon more than supplied.

The most enterprising of the new settlers was Silvanus Davis. In October 1680, he and James English addressed a petition to the selectmen of Falmouth, in which they stated that they were desirous of settling in town, if they could receive certain grants and privileges which are set forth in their petition as follows : " Imprimis, that we may have the free privilege of ye falls of Capissicke to build a saw-mill and to make a damm or damms. (2) That we may have a grant of timber both oak and pine within three miles of the falls on both sides not infringing upon any lots already granted by the town. (3) That we may have sufficient land laid out on both sides the Falls and river for pasture of oxen and settling some farms near the mills for employing workmen in time when the mill stands still for want of water or timber, and that such lands shall remain free to the mills as free land a mile square. (4) That we may have the privelege of swamps or fresh marsh within a mile of the Falls to produce hay for our oxen and that we may have it as free land. (5) That we may have privelege to cut timber upon all commons within the township that is not already granted to any persons. (6) That we may have equal divisions of all meadows with others according to our publick work. (7) That we may have a tract of good land appointed us for settling our farms.

" Gentlemen according to your encouragement to us we shall be ready to bear part of town charges with you and subscribe ourselves your humble servants Oct. 28, 1680."

To this petition the following answer was returned : " 3. 10¹. 1680. The above articles are granted with a mile square free land unto Capt. Davis and Mr. Ingles as Test. Anthonie Brackett Recor. And it is agreed that Capt. Davis shall let the inhabitants that are now here have boards at five shillings in a thousand under price current for provisions for their own proper use for building houses for themselves."

At the same time the following grants were made by the selectmen, which with the foregoing is one of the few scraps of the town records which have escaped destruction and found its way to the York registry. It was probably rescued by the avidity of some of the speculators, who at a later day were purchasing all the old titles to land in this town that they could procure.

"It is concluded that Mr. Gendall shall have a grant of 100 acres of land to begin at our outmost bounds, and so to come this way till 100 acres be ended. Thomas Daeve (or Daebe) it is agreed shall have a lot granted him. John Ingersoll 100 acres of land. Goodman Sanford and his son granted 60 acres of land about the great marsh. Joel Madefer 12 acres of land adjoining to Goodman Sanford's land on the north side upon a square. 50 acres granted to John Wallis on the rocky hill. Joseph Daniel granted 50 acres of land adjoining to Robert Stanford, 20 poles in breadth by the water side. Granted to Robert Haines 50 acres of land on the plains toward the great marsh¹. Granted to Capt. Edward Tyng 100 acres of land. It is agreed that Capt. Davis shall have a mile square of upland at Capissick Falls, a quarter of a mile on this side of the falls, and three quarters of a mile on the other side the falls. Also Nonsuch point is concluded shall be divided between Capt. Davis and Mr. Ingles and Joseph Hodsdon, 100 acres a man, and if the point will not do it, to have it elsewhere. It is concluded Thomas Cloys shall have 60 acres of land granted to him at Capessack. Granted to Lt. George Ingersoll 40 acres of land to make up his hundred²."

We will here introduce the record of another meeting of the town, which has a connection with the preceding. "At a town meeting Aug. 10, 1681. There was granted to Samuel Webber the falls

¹The Stanifords, Madefer, Wallis and Haines all lived at Purpooduck, and the grants were probably of land there.

²All the persons mentioned in the preceding record, except Daeve, of whom I know nothing, and Ingles, were inhabitants. There were persons of the name of Davie of respectable standing about the Kennebeck, but I have met with no other notice of any one in this town. Ingles, or as the name is now universally written, English, resided in Boston, where, or in its vicinity, his posterity continue to live. He was a mariner, and commanded a vessel which coasted between Boston and the towns in this bay. He died in 1703, leaving a widow, one son and three daughters, of whom one, Joanna, married James Grant, Jane, John Smith, and Elizabeth, Benjamin Bream. The daughters were principal legatees of Silvanus Davis.

which is above Mr. Munjoy's land in Long Creek, to erect and set up a saw-mill in, and to finish the said saw-mill within six months. Also it is granted unto the said Samuel Webber 100 acres of upland for his accommodation to his mill¹, with 10 acres of some swamp to make meadow of, with the privilege of cutting timber, both oak and pine, upon the commons from his mill down so far as Ralph Turner's, as also to cut timber about Presumpscot, both oak and pine, and the said Webber is to cut Boords for the inhabitants of this town to the halves for their own proper use, and what Boords they have occasion for of said Webber for their building, they are to have them half a crown under price current for provisions. Anthonie Brackett, George Ingersoll, Jno. Wallis, Thaddeus Clarke."

In 1680 George and John Ingersoll petitioned the General Court for confirmation of their land on Capisic river, and for certain privileges. ² The court confirmed to them "60 acres a piece granted them as expressed in their petition, and refer it to the President of the province" to grant accommodation, &c. Danforth, under the above order, March 3, 1682, granted "to George Ingersoll, jr. and John Ingersoll, the privilege of the stream where the old mill stood, for erecting a new saw and grist-mill, and to cut such timber as may be conveniently brought down that stream, paying to the head proprietor £5 per ann. in good merchantable timber." In 1684 these persons conveyed all their interest in the saw-mill on mill river to Silvanus Davis & Co.

Davis, for several years before 1676, had lived in the neighbourhood of the Kennebeck. He purchased land at Damariscotta of the Indians as early as June 1659. He bought other large tracts in that country and continued to reside there, having considerable influence, until the attack upon the fort at Arrowsick in Aug. 1676. He then fled with Capt. Lake, but they were sharply pursued and he escaped with a severe wound, while Capt. Lake was killed. Early next year he accompanied the expedition under Major Waldron, and was left in command of a garrison on Arrowsick island; but the government perceiving little prospect of their rendering service to the country in this situation, the garrison was soon after recalled.

¹One half of this lot Webber sold to John Skillings, 1685, with half the mill. The mill was probably situated near the spot where a grist mill now stands on Long Creek, on the road from Stroudwater to Scarborough.

On the conclusion of peace, Capt. Davis turned his attention to Falmouth, and finding it possessed of great advantages for fishing, lumbering and trading, he resolved to abandon his former residence and establish himself here. In Sept. 1680, he received from Pres. Danforth a grant of one of the most eligible spots for trade in town, being on the bay east of King-street, at the head of the town landing. Following up this acquisition, he procured from the town, as we have already seen, some of the most valuable mill sites, with greater privileges and accommodations than were ever granted here to any other individual. The town had been entirely prostrated under the most calamitous circumstances, and the returning exiles were undoubtedly desirous of availing themselves of the enterprise and capital of Mr. Davis and the company which he represented. And to these advantages may, in a great measure, be attributed the rapid prosperity of the town, until the period of its second destruction. The subsequent events in the biography of this enterprising man, will be noticed in the progress of the work.

In 1681 Mrs. Munjoy, the widow of George, having made complaints that President Danforth had appropriated her land without authority, for the settlement of the town, an arrangement was entered into between her and the government on the 10th of June of this year. After reciting that President Danforth, by commission from Massachusetts, had "ordered the settlement of a town at Casco, erecting fort Loyall thereon, and disposed of house lots for the furtherance and encouragement of the said settlement," and that said Mary "doth lay claime to a neck of land lying about said fort," but had "not entered upon any possession or improvement thereof since the devastation made by the Indian war;" to end all differences it was therefore agreed that said Mary "shall have, retain and enjoy the easterly end of said Neck of land whereupon her husband's house formerly stood, bounded by a strait line from the mouth of a Runnet of water on the easterly side where Mr. Cleeves' house formerly stood, and so to pass by the old barn on the top of the hill, and from the barn the shortest line to the salt water, excepting and reserving to the said township and fort, for the laying out of house lots, the lands all along the southerly side of said Neck of land as far as the *meeting house*, to extend 20 poles backwards in length, reserving only 20 poles front for her own house lot, adjoining to said runnet. Further that the said Mary Munjoy shall have and

enjoy the island called House island, which her said late husband formerly purchased of sundry of the inhabitants there. And more the said President doth yield and grant unto her 200 acres of land upon the nearest of the islands that remain free and undisposed of, by way of exchange and in full compensation for the land hereinafter mentioned by her released." The land released was the remainder of the Neck east of clay cove, "to be disposed of according to the present settlement made by said President."

On the 30th of August the same year, the selectmen of the town also entered into articles of agreement with Mrs. Munjoy relative to her outlands, by which she relinquished her claim to all lands in the town, whether derived from the Indians or otherwise. In consideration of which the town confirmed to her 200 acres at Ammoncongan, the plantation at Long creek which Mr. Munjoy bought of Anthony Brackett, also all her marsh at Capisick, and "that long marsh adjoining to Thomas Cloice's point of land which he bought of Mr. Munjoy;" also 500 acres of upland, to begin next to Samuel Ingersoll's land, to run in breadth on the west side of Capisic river to the little falls and so into the woods. They also confirmed to Mary, daughter of George Munjoy, sen., deceased, all that island given her by her grandfather, Mr. J. Phillips, known by the name of Pond island or Mr. Munjoy's island."

It appears by the foregoing record, that the elder Munjoy was now dead. The time of his death we have not ascertained. His last appearance in our records is as one of the associates of the county court held at Wells, July 4, 1676¹. During the Indian troubles he probably lived in Boston, where his wife's family resided. In 1680 Danforth names him as a grantee of land on the Neck, by which it might be inferred that he was then living, although the evidence is not conclusive. The first notice of his death we have met with is in the document above cited; if he died in 1680 he would have been 54 years old. He was an intelligent and enterprising man, and had enjoyed for many years the confidence of the government of Massachusetts, and of the people among whom he lived. He had a sister who came to this country and married John Saunders, of Braintree. He left five children, Mary, George, Josiah, Pelatiah and Hepzibah; his eldest son, John, was killed in the attack upon the town Aug. 11, 1676. John left a widow and one daughter

¹After the destruction of the town in August of this year, he was sent with supplies for the inhabitants and troops from Boston.

named Huldah. Mary married John Palmer¹, who lived here after the war, George jr. died in Braintree in 1698, leaving a son and two daughters ; the son died without issue, as did also the other sons of the elder George. The name is extinct in this country, and no monument remains to perpetuate the name of Munjoy, but the hill in this town, on which he first fixed his residence². An inventory of his estate was returned in 1685 by Anthony Brackett and William Rogers, described and valued as follows : a tract of land at Capisick, £30 ; one tract of land bought of Thomas Brackett³, £20 ; a tract of land lying at Long creek with the marsh to it, £110 ; an island called House island, £30 ; a tract of land at Piscataqua, £40 ; an island called Bastine's island, £20 ; a tract of land on the other side of Ammoncongan river, £20. There was also an inventory of debts amounting to £70.

Munjoy's youngest children, Pelatiah and Hepzibah, in 1686 nominated guardians for themselves ; Pelatiah selected his brother in law, John Palmer, and Hepzibah her father in law, Robert Lawrence. The widow married Robert Lawrence, and after his death in 1690, Stephen Cross, of Boston ; she died at that place in 1705.

Lawrence improved the farm at Ammoncongan for several years until the second war. The following extract from an ancient deposition will explain the manner of conducting the business. "The deponent⁴ further saith that he also remembers the said George and Mary Munjoy having a house and some improvements on the southwest side of Ammoncongan, in the great river Presumpscot, where the said Munjoy and his servants used to go in planting and reaping times, and often at other times, where they usually tarried about a

¹There appear to have been about this time three persons in Maine bearing the name of John Palmer, one married Elizabeth, the eldest daughter of Andrew Alger, and lived in Scarborough in 1676. Another married the eldest daughter of Munjoy, and was living in Falmouth between 1680 and 1690, the third was commissioner in 1686 in the Duke of York's province east of Kennebeck, and was a counsellor of Gov. Andross. Whether these were three distinct persons or not, I am unable to say. It is very clear that the commissioner was a different person from either of the others.

²This hill is commonly called Mount Joy ; the family name was sometimes in later days written Mountjoy ; but the true mode as invariably used by the head of the family, who wrote a beautiful hand, was Munjoy, which is the proper name of the hill.

³This was 50 acres extending from Deering's bridge up the south side of the creek toward the alms-house, which was conveyed to Brackett by his mother in law Mitton in 1667.

⁴Elisha Corney, of Gloucester, 1742, "aged upwards of 73."

week at a time ; and this deponent further saith that the house last mentioned was opposite to part of the said Munjoy's planting ground on the north-east side of the river Ammoncongan, where this deponent saith the said Munjoy had a very large tract, which said Munjoy, to this deponent's certain knowledge, improved many years, sowing peas and wheat without interruption, and this deponent has ever heard his right esteemed by all old proprietors, a very good one. He has often seen Munjoy's servants at work, and said Munjoy's oxen ploughing on said tract on the north-east side of Ammoncongan, and he never heard of any body else improving on the north-east side until after Munjoy's death ; after which, Mr. Lawrence improved for several years the land on the north-east side, and lived on the south-west side in the manner Mr. Munjoy did, and said Lawrence rebuilt the house on the south-west side after it was burnt by the Indians, and he has often seen said Lawrence and his servants ploughing and sowing the land on the north-east side of Ammoncongan, and making more improvements than Mr. Munjoy had done, and he made considerable improvements before and at the time President Danforth resettled the town and some years after, until his being drove off by the Indians."

In Sept. 1681, Richard Seacomb was licensed to keep an ordinary in Falmouth. The order of court is as follows : " In answer to the desire of the selectmen of Casco in Mr. Seacomb's behalf for license to keep an ordinary there, the court considering the necessity thereto do grant a liberty and license to be granted unto said Seacomb to keep a public house of entertainment for said town for the year ensuing ; he providing for it as the place requires by suitable accommodations for strangers or others, of drink, victuals, and keeping good order and rule by his retailing strong drinks, to ye performance whereof Wm. Rogers with said Seacomb stand equally bound in a bond of 20s."

This is the earliest notice that we find relating to the establishment of a public house here, and it is probably the first of the kind that was opened. Munjoy, nearly 20 years before, had been licensed to retail strong liquors, but that doubtless was as a trader. The intercourse with the town before this period was so limited and the habitations so scattered, that a tavern was neither needed nor could be supported.

Seacomb's house was near the town landing place, a few rods east of King-street. In May 1682 he was fined 50s. for selling liquors to the Indians. Seacomb came from the west of England and settled at Lynn as early as 1660 ; his children were Noah, Richard and Susannah. There was also here at the same time a John Seacomb, who joined Richard in 1683 in a conveyance of land near Barberry-Creek. Richard was constable in 1684, and was sometime a selectman : he purchased of George Lewis's children the land at Back Cove which had belonged to their father, on which he subsequently lived ; the neck extending down to Back Cove bridge, was called from him Seacomb's Neck, which name it still retains ; he died in 1694¹. His son Richard lived in Portsmouth, R. I. in 1715.

John and Isaac Jones, of Charlestown, probably came here in 1681 ; in November of that year Thomas Cloice and Susannah his wife sold to them a tract of land on the Presumpscot river, formerly conveyed to them by their father, John Cloice, " with the new dwelling-house and barn." This was the homestead of John Cloice before the war. John Jones lived on the Neck west side of King street.

We find this year a conveyance in Wells from Thomas Mills to his sons in law John and Nathaniel Cloice ; Peter Cloice was living there before ; these persons were probably the sons of John Cloice, formerly of this town, and it may be inferred that after the flight from Falmouth, they established themselves in that place.

In 1682 died Elizabeth Harvey, the only daughter of George Cleeves. She came from England with her father probably in 1637, and was either then or soon after married to Michael Mitton. She was the last survivor of the first settlers, and had been through scenes of great suffering and sorrow. She had buried two husbands and three adult children, one of whom, her only son, was killed by the Indians, and the lives of two of her daughters, the wives of the Bracketts, were probably shortened by their captivity. Two daughters only survived her, Elizabeth, the wife of Thaddeus Clarke, and Martha, the wife of John Graves, neither of whom, that we are aware of, has posterity now residing here. The descendants of her daugh-

¹Farmer's Reg. The name Seacomb's Neck is not in general use, but it is not obsolete, it is mentioned in the act incorporating the Proprietors of Back Cove bridge in 1794.

ter Mary, the wife of Thomas Brackett, are numerous among us. Mrs. Harvey had seen the town which on her first visit, was an entangled forest, inhabited by wild beasts and savages, become the seat of civilization and prosperity, and holding forth the promises of future greatness.

About the same time died also George Lewis of Back Cove. In July 1683, the following deposition relating to him and his family was given: "Nathaniel Wallis¹ aged 52 or thereabouts testifies that sometime before the first Indian war began, I being at George Lewis' house, said Lewis showed me his will and this deponent heard said Lewis' will read and there was in the will that his two sons should have twelve pence a piece, but for his land he had given it to his three youngest daughters and all his goods, and said Wallis asked said Lewis why he gave his land to his daughters, said Lewis replied he had given his sons enough already—before Anto. Brackett com'r."

Lewis's sons were John and Philip, he had four daughters, Ann married to James Ross, a shoemaker, Susannah to Thomas Choice, Mary first to Thomas Skillings, second Jotham Lewis and third to Wilkins; she was born at Falmouth 1654, and was living in Salem 1732; the fourth daughter Hannah, married James Darling. John sold 100 acres in Back Cove to Nathaniel Wallis in 1674; he continued to live here until the commencement of the Indian war, but we do not find him mentioned afterwards, his wife's name was Ellinor. George, as we have before intimated, was probably the son of George Lewis, freeman in Scituate, Plymouth colony 1636.

George Burroughs returned to the ministry here in 1683. The first notice of his return that we find, is in June of that year, when at the request of the town he relinquished 170 acres of land which had been granted to him previous to the war. In their application for this purpose they offered to give him 100 acres "further off," for the quantity relinquished, but Burroughs replied "as for the land already taken away, we were welcome to it, and if 20 acres of the 50 above expressed would pleasure us, he freely gave it to us, not desiring any land any where else, nor any thing else in consideration thereof."

This disinterestedness places the character of Mr. Burroughs in a very amiable light, which nothing can be found during the whole

¹Nathaniel Wallis was the nearest neighbour of Lewis; he bought of John Lewis the adjoining farm.

course of his ministry here to impair. The large quantity of land which he relinquished was situated upon the Neck, which was then daily becoming more valuable by the location of the town upon it. All this, except 30 acres, he freely returned without accepting the consideration offered by the town.

The unhappy catastrophe, which terminated the life and usefulness of Mr. Burroughs, has cast a shade upon many facts relating to him, which it would be interesting to us to know. We have no means of ascertaining whether he was regularly settled and had gathered a church here or not ; we have however sufficient authority for asserting that he preached to our predecessors a longer period than any other person prior to the Rev. Mr. Smith. We must be understood to except from this remark the Rev. Robert Jordan, who lived in town, occasionally preaching and administering the ordinances under the episcopal form, for 36 years, except when "silenced" by the government of Mass.

There has nothing survived Mr. Burroughs either in his living or dying that casts any reproach upon his character, and although he died the victim of a fanaticism as wicked and stupid as any which has ever been countenanced in civilized society, and which for a time prejudiced his memory, yet his reputation stands redeemed in a more enlightened age from any blemish.

In November 1680, he was employed to preach in Salem village, now Danvers, on a salary of £60 a year, one third in money and two thirds in provisions at the following rates, viz. rye, barley and malt at 3s. a bushel, corn 2s. beef 1 1-2d. a pound, pork 2d. and butter 6d'. He continued there probably until 1683, when in May, Mr. Lawson was invited to preach to them ; from Salem, it may be supposed that he came directly here. A work entitled "European settlements in America," in speaking of Mr. Burroughs as a victim of the Salem witchcraft says, "that he was a gentleman who had formerly been minister of Salem ; but upon some of the religious disputes which divided the country he differed from his flock and left them." Mather in his "Wonders of the invisible World," countenances this idea, he says, "he had removed from Salem village in ill terms some years before."

He was tried for witchcraft in Salem May 8, 1692, and condemned upon testimony which nothing but the most highly wrought infatua-

¹Annals of Salem, p. 268.

tion could for a moment have endured. His great strength and activity for which he had been remarkable from his youth, were enlisted against him, as having been derived from the prince of evil ; it was in evidence that he had lifted a barrel of molasses by putting his fingers in the bung-hole, and carried it round him, that he had held a gun more than 7 feet long, at arms length with one hand¹, and performed other surprising feats above the power of humanity. Some evidence was also exhibited against his moral character, in relation to his treatment of his wives and children, but the source from which it proceeded renders it unworthy of credit. He was executed on the 19th of Aug. 1692. The writer before quoted, on this case says, " Yet by those judges, upon that evidence, and the verdict founded upon it, this minister, a man of a most unexceptionable character, was sentenced to die, and accordingly hanged." He had been three times married, his third wife was the daughter of Thomas Ruck, who survived him. His children were George who lived in Ipswich, Jeremiah who was insane, Rebecca married a Tolman of Boston, Hannah married one Fox and lived near Barton's point, in Boston, Elizabeth married Peter Thomas of Boston, and Mary married to a man in Attleborough. George and Thomas Burroughs of Newburyport, the former a tanner, conveyed to N. Winslow in 1774, the right of George Burroughs in proprietary land in Falmouth². These were probably descendants of our minister³.

¹This gun is said now to be in the museum of Fryeburg Academy, but upon what evidence we do not know. For further particulars of this interesting case, Calef's "Salem witchcraft" and Sullivan's history may be consulted.

²Cumberland Registry of Deeds.

³Bentley in his history of Salem published in the Collections of the Mass. His. Soc. says, that Burroughs was about 4 *score years old* at the time of his death. But strong circumstances oppose this statement ; his great strength, his going to a new country to preach, the entire want of evidence relative to him previous to the facts which we have noticed, lead us to the conclusion that he was the graduate whose name stands in Harvard Catalogue for the year 1670, and consequently a much younger man than Bentley supposed. Upham's lectures on witchcraft which have just issued from the press, confirms the favorable opinion above expressed of Mr. Burroughs.

CHAPTER 9.—1681—1689.

Fort Loyal, saw-mills taxed for its support—Deed of Falmouth to Trustees—Government of Andross, new patents for land required—French emigrants—Roads and ferries—Business of the town and its internal condition—Quarrel between Lawrence and Davis.

As soon as the inhabitants were quietly settled upon their possessions, it became an object of deep interest with them, in which the government also partook, to provide for the security of the settlement. It was in some degree a frontier post, and the safety of all the plantations in the province depended upon its preservation. The General Assembly in 1681, made application to the General Court of Massachusetts to make further provision for its security. In answer to this petition the court granted that in case of a defensive war, the whole revenue accruing to the chief proprietor should be appropriated for the safety of the inhabitants. And "that the annual revenue arising by the trade with the Indians shall be allowed toward the maintenance of *Fort Loyal*. The appointment of the captain as well as the other militia being still reserved as the charter appoints, in the power of the chief proprietor. Further it is ordered that the arrears of the Capt. and garrison at fort Loyal be forthwith passed by the President to the Treasurer for payment." This order was laid before the council of the Province, who authorized the Treasurer, Capt. Hooke, of Saco, to pay Capt. Tyng his salary as commander of fort Loyal, at the rate of £60 per ann. for himself and servant, till May following, and to furnish necessary supplies for the garrison. They also ordered six men to be raised for the present supply of the garrison, 2 from Kittery, 1 from each of the towns of York, Wells and Falmouth, and 1 from Saco, Scarboro', and Cape Porpus. In pursuance of the grant of revenue arising from the Indian trade, Walter Gendall, the Indian agent, was called upon to pay to the treasurer "£20 or as much as he has." The whole garrison consisted of 13 men, part of whom were supported by Massachusetts¹.

¹From the Gen. Court files, May 31, 1681.

"Maj. Pinchon, Maj. Savage and Mr. Nowell are nominated by the magistrates to be a Com. to joyn with some of our Breth. the Dep. to inquire concerning the present state of ye Province of Maine and ye settlement of Fort Loyal and to con-

At the same session it was ordered that "for the better settling and preserving of order and peace in our eastern towns of Saco, Scarboro', Falmouth and North Yarmouth, that these towns do chose in each place one commissioner for ending small causes, civil and criminal, who being first sworn by Capt. Scottow or by some other in authority either Capt. Tyng or who nearest to them, have liberty and power, with any one of the justices of this Province to hear and determine any action (without a jury) or case not exceeding £10. and punish with ten stripes at their discretion."

The next year, 1682, a further provision was made for the support of fort Loyal and a tax was laid upon the saw mills in the province for the purpose. The following document will exhibit the number of mills and the amount of the tax. "In answer to an act and order of the council made the last court of sessions at Wells, the 12th of April 1682, viz. Major John Davess Dep. Pres. Capt.

sider what is farther necessary to be done for the maintainance thereof and to present ye same to ye Court in ye afternoon.

The magistrates have past this order
our brethren the Deputies consenting.

J. DUDLEY, per order.

The Deputies have chosen Maj. Pike

Capt. Sprague, Capt. Waite and Lt. Johnson to joine

with our hon. magistrates to be a Committee as in the above bill May 31. 1681.

ELISHA HUTCHINSON Speaker.

The returne of the Committee appointed by the Gen. Court to enquire into the state of the Province of Mayne and what was further needfull to be done for the settlement of Fort Loyal and the maintainance thereof

1. For the province itself we cannot as yet by any enquiry satisfy ourselves so as to give information to the Court what it may produce.

2. For the Fort we apprehend needfull that it should be continued or defended both for the securing of the people in those parts against the Indians and any bad neighbours and also from the encouragement that people take from it to replant themselves there.

3. In order to the maintaining or defence of that fort and place we judge there cannot well be less than 13 men viz. a Capt. a Serj. a Gunner, and 10 private soldiers.

4. We are informed that the people of that Province are so sensible of the benefit to themselves that they are willing to maintain 6 private soldiers.

5. The remainder of the charge for the captain's salary, Serj. Gunner, and 4 soldiers with a magazine will amount to £400 per annum country pay.

6. We hope something to ease this burthen may be raised out of the Beaver trade and from the saw mills and some other ways, which may in a little time wholly ease this Colony of the present burthen.

JNO. PYNCHON in ye name of
ye Committee.

The Deputies have perused this returne of

the Committee and doe approve of it and order that Fort Loyal bee maintained at ye charge of this Colony provided ye Province maintaine 6 soldiers and the Hon. President is desired to take care yt it be maintained with as little charge as may be. Past by the Deputies, our hon. magistrates consenting 1 June 1681.

ELISHA HUTCHINSON Speaker.

John Wincoll, Mr. Samuel Wheelwright, Mr. Francis Hooke, Capt. Charles Frost, and Edward Rishworth, recorder, Justices.

“The Trustees or Representatives,

“Major Nicholas Shapleigh, Left. Abra. Preble, Wm. Hammond, John Puddington, John Harmon, Mr. Benjamin Blackman and Left. Anthony Brackett.

“An agreement made with Left. Brackett about keeping fort Loyal for the term of a year's time, beginning the 24th of May next ensuing, 1682. Province of Maine. It is hereby mutually agreed and concluded by the council and the representatives of the several towns now assembled at York, on the one party and Left. Anthony Brackett on the other party, of Casco. That for the present and more easy carrying on and settling of fort Loyal that said Left. Brackett stands engaged from the time above mentioned to be the sole officer taking the charge and care of fort Loyal by continual watch and ward to keep it as a fort ought to be kept, with all necessary supplies of men, six efficient men constantly during the summer season and four men in the winter, with sufficient arms, ammunition and provisions and whatever else shall be needful for that service for the term of one whole year. In consideration of said Anthony Brackett his performance of the premisses, the council and the representatives in the behalf of this province do promise and stand engaged in the province behalf to pay or cause to be paid unto said Anthony Brackett or his order, the just sum of £160 in money or pay equivalent. In order to the performance of this agreement to Left. Brackett of £160, we have calculated the value of the mills in several towns arising by an indifferent proportion as follows, boards at 30s. per M.

<i>Mills at Kittery.</i>		<i>Wells Mills.</i>	
Mr. Hutchinson's	£10.	Left. Littlefield's	£4
Salmon Falls	10.	Jos. Littlefield's	2
Humphrey Chadbourn's	4.	Wm. Frost's	1
Major Shapleigh's	1. 10.	Mousum Mill	6
	<hr/>	Kennebunk Mill	4
	£25. 10.		<hr/>
			£17
<i>York Mills.</i>		<i>Cape Porpus.</i>	
Mary Sayward's	£5.	Phanea Hull's	£2
Cape Nuttacke	1. 10.	Gilbert Endicott's	1
	<hr/>		<hr/>
	£6. 10.		£3

<i>Saco Mills.</i>		<i>Black Point.</i>	
Mr. Blackman's	£4.	Mr. Blackman's Mill	£1
Thomas Doughty's	5.		
	<hr/> £9.		
<i>Casco Mills.</i>			
Samuel Webber's	£2. 10.		
Walter Gendall's	6.		
	<hr/> £8. 10.	Total is	£70. 10.

"A new addition of some other saw-mills to pay those rents as follows :

Casco Mill, Capt. Silvanus Davis', mill rent	£4.
Cape-Porpus Mills, John Barrett's 40s. John Batson's 30s.	3. 10.
Wells, Jonathan Hammond's and Wm. Frost's mill,	4.
York mill, being John Sayward's mill 20s.	1.
Kittery Spruce mill, Mr. John Shapleigh	4.
Quamphegan mill that is in Thomas Holmes' hands	6.
	<hr/> £22. 10."

The whole number of saw-mills in the province appear by this table to have been 24, of which 6 were in Kittery, which then included Elliott, Berwick and South Berwick. It appears that the lumber business was then carried on to a greater extent in that place than in any other in the province. Wells was next and Falmouth the third, if Gendall's mills may be included of which we have some doubt. They were either at the lower falls on Presumpscot river or on Royall's river in North-Yarmouth. Webber's mill was on Long creek, and Davis's at Capisic. There was also a grist mill at Capisic, and in 1682, George Ingersoll built a grist mill at Barberry creek in Purpooduck. It can hardly be presumed that the falls on the Presumpscot, which had been improved before the war for mills, should now be entirely destitute, and as no others are mentioned, although North-Yarmouth was then existing as a town, it may reasonably be inferred that Gendall's mills were on those falls, more especially as North-Yarmouth could not be considered as within the limits of Mass. at that time. If this conjecture be correct the mill rates in Falmouth amounted to £12. 10¹.

¹Bartholomew Gedney of Salem, had a mill on Royall's river in North-Yarmouth in 1680, which he afterwards sold to Gendall. A petition was made to the Gen. Court in 1680 for liberty to cut timber on 3000 acres in the vicinity to feed the mill. Mass. files. See also Gedney's petition 1687 to Andross for confirmation of his title. The mill rents were annually granted for the support of fort Loyal until the arrival of Andross.

The next year, 1683, the Gen. Assembly of the province on the petition of Henry Harwood discharged him from the command of the foot company in Falmouth and empowered "Capt. Anthony Brackett" to take charge of it : "requiring all the foot soldiers to obey him as their captain, till further order, and in case said Anthony Brackett accept not thereof, then Mr. Walter Gendall, or whom he shall appoint is hereby empowered to take the command of the foot company of Casco ; and all the soldiers therein are required to yield obedience to him or his order as their commander during the court's pleasure." Gendall is also authorized to take charge of fort Loyal, if Brackett declined the appointment. Harwood soon after this moved to Boston and sold his property here to Bozoun Allen of that place, a tanner.

In 1684, the General Assembly appointed Capt. Joshua Scottow of Black point ; Capt. Edward Tyng, Mr. Nathaniel Fryer, who probably then lived at Spurwink, Capt. Silvanus Davis and Mr. Walter Gendall "to take care of the repairing and well ordering of fort Loyal in Falmouth and settle a chief officer there." And next year they order that the fort "be appointed a prison or jail to the 4 associate towns and that the several justices in the respective towns shall direct their mittimusses to the keeper of his majesty's jail at fort Loyal, and that there shall be a committee appointed for ye settling of said jail and the keeper thereof," the charges to be paid by the common treasury. The associate towns referred to were Saco, Scarborough, Falmouth and North-Yarmouth.

After Mass. acquired a right to the soil of Maine by purchase, some fears seem to have been entertained by the landholders in regard to the security of their titles. That government early took measures to quiet these apprehensions, and in 1681, the general court empowered "the President of said province to make legal confirmation to the inhabitants respectively of their just proprieties in the lands there under his hand and seal according to the directions of their charter ; and do further grant that they, making their annual acknowledgement of the right of the chief proprietor to the soil and government, shall then be acquitted and discharged from any further subsidies to the chief proprietor, further than shall be necessary and orderly levied, for their own protection and government."

In pursuance of this authority, Danforth, on the 26th of July 1684, executed an indenture of two parts, interchangeably to "Capt. Edward Tyng, Capt. Silvanus Davis, Mr. Walter Gendall, Mr. Thaddeus Clark, Capt. Anthony Brackett, Mr. Dominicus Jordan, Mr. George Brimhall and Mr. Robert Lawrence, trustees on the behalf and for the sole use and benefit of the inhabitants of the town of Falmouth within the above named province of Maine," in which he granted and confirmed to them in trust "all that tract or parcel of land within the township of Falmouth."

This is recited in the deed to have been the result of a mutual agreement between Mass. and the Gen. Assembly of the province, concluded at York in June 1681, and it is covenanted on the part of said trustees that the inhabitants shall pay to that government a quit rent, as an acknowledgment of proprietorship of "12 pence for every family, whose single country rate is not above two shillings," and 3s. for every family whose single rate exceeds two shillings, annually, in money to the treasurer of the province for the use of the proprietor¹. A similar conveyance was made of North-Yarmouth Sept. 6, 1684, and of Scarborough. Under this deed the trustees or committee of Falmouth, proceeded to lay out many lots of land, and "granted them to sundry persons, who builded thereon, and made improvement²." This policy produced a state of repose among the people in regard to their titles, after the long and numerous conflicts, which had taken place for the proprietorship³. These contests had occasioned great inconvenience to the tenants of the soil, who had been continually harrassed by contested claims.

The trustees named in the deeds were probably appointed by each town; those of North-Yarmouth were Jeremiah Dummer, Walter Gendall, John Royall and John York.

The quit rents reserved in the conveyances by Massachusetts were soon found to produce dissatisfaction, although they were

¹For this deed *in extenso*, see Appendix VII. A single rate was 12*d.* on each poll, and 1*d.* upon 20 shillings estate, and six years income of real and personal estate and faculty as it was then styled, were considered as principal in the tax.

²Petition of old proprietors to the Gen. Court 1728. In this they state, that in consequence of the loss of the town book they "cannot find out the whole number that were admitted settlers by the Trustees.

³That the possession of Maine had been attended with no pecuniary advantage to its successive proprietors, was fully evinced by experience. Sir F. Gorges had expended £20,000 in his various enterprises here, from which he reaped no benefit, and it had cost Mass. £8,000 for its defence in the war of 1675.

apparently light ; and they became the subject of complaint to Sir Edmund Andross immediately on his arrival about two years afterwards. Edward Tyng, who had been appointed one of the counsellors of that Governor on the 10th of January, 1687, twenty days after his arrival at Boston, presented the following petition to him in behalf of the whole province, in relation to this subject : “ May it please your Excellency. The late Govr. of the Massachusetts colony having purchased the land and title of Sir F. Gorges in the province of Mayne and upon such purchase intending and designing to give all encouragement to all persons inclined to goe and set down and settle themselves and famalyes in and upon the said province of Mayne. The said late Government did by commission under the seale of the late Government empower Thomas Danforth Esq. to lay out and appoint places for such townships in the said province and also to grant power unto such townships to give and grant lands to any persons whatsoever, that would settle themselves and famalyes in the said province under such Quitt rent as did then seeme good unto the said Tho. Danforth. In pursuance whereof several persons and their famalyes have satt down in several townships, in and upon the said province with great charge, trouble and expence and many more in probability would, had not the burden of Quitt Rents discouraged.

“ It is therefore humbly prayed of your Excellency that such townships and settlements so made as above may have your Excellency’s confirmation of their titles obtained as above, and the Quitt rents appointed to be paid as above for such lands being experimentally found to lye heavy upon the inhabitants there residing, may receive some abatement’.”

The repose which the people of Maine had hoped to enjoy under the dominion of Mass. was again interrupted by the dissolution of the charter of that colony in 1684. The death of Charles 2d soon after (Feb. 6, 1685) delayed the formation of a new government until 1686, and in the mean time the authorities in the colony continued to conduct affairs, but with great sluggishness and indifference until May 1686, when a commission arrived to Joseph Dudley as President of New-England. This was followed in December by the arrival of Sir Edmund Andross as Governor of New-England and

New-York. On this occasion the local government in Maine ceased and was not again introduced until the final separation from Mass. in 1820¹. Sir Edmund exercised his office by the advice of a council without the intervention of an assembly of the representatives of the people. The people were made to feel the effects of this change in affairs in a variety of shapes, not the least of which was, through the purse. One of the most grievous expedients resorted to—a gross act of rapacity and tyranny, was that of requiring the owners of land to procure new patents for their possessions, it having been assumed that on the dissolution of the charter, their former titles had become invalid. The fees for these patents were exorbitant, in some cases amounting to £50. To avoid vexatious collision with the ruling powers landholders generally complied with this requisition. To give plausibility to this scheme of extortion certain forms were adopted ; a petition was required to be filed describing the land and praying for confirmation ; this was referred to a committee to ascertain facts and then a warrant was granted for a survey ; for each step in the process fees were exacted. Numerous tracts were surveyed in Falmouth under this system in 1687 and '88. Edward Tyng of the council was one of the first from this quarter to comply with the arbitrary edict ; his petition is dated Aug. 30, 1687 ; others immediately followed the example until most of the large proprietors here had procured surveys. Tyng and Silvanus Davis made themselves active in persuading the people to comply with this severe requisition of the government, by which they drew upon themselves the odium of the inhabitants. And although the people generally complied with the decree, they took the earliest opportunity to express their resentment against those whom they considered as having had any influence in procuring the measure. They even made some opposition to the proceedings of the surveyor when he first commenced his duties. Davis, in a letter to John West the secretary of Mass. as early as Nov. 16, 1687, thus notices the state of feeling here, “Mr. Clements is following his warrant but meets with continual disturbance from Mr. Lawrence who will not be satisfied till he makes all the town his tenants :” he adds that “he thinks all the settlers will petition.” It appears from a memorial of the inhabitants two years afterwards

¹The Deputies from Falmouth in the assembly of the province had been Antho. Brackett for 1681 and 82. Lieut. Geo. Ingersoll for 1683 and 1685, and Thad. Clarke for 1684.

that his conjecture was right ; they say “ Capt. Davis did persuade the inhabitants of our town to patent their lands and he drew petitions for them near fifty, and now he chargeth them six shillings for every petition¹. ”

From the time peace was proclaimed in 1678, until the recommencement of hostilities by the Indians, the town had been continually increasing in population and the developement of its resources, Fishermen settled upon Cape-Elizabeth and the islands which were convenient stations for successfully pursuing that branch of business ; the mill sites were constantly demanding attention from their peculiar advantages, and the forests were resounding to the stroke of the woodman’s axe, and were falling before the march of improvement. In addition to the emigration from neighbouring colonies, which was considerable, the town received an accession in 1686, by the arrival of a small company of French protestants, who sought refuge on our shore, from the persecutions which followed the revocation of the edict of Nantes on the 8th of Oct. 1685. The number of persons who came to this town on that occasion we are unable to ascertain, we have succeeded in tracing but four, viz. Peter Bowdoin, Stephen Boutineau, Philip Le Bretton and Philip Barger.

Peter Bowdoin, or according to French orthography, Pierre Baudouin², was a physician of Rochelle, in France, from which place he fled to Ireland on the revocation of the edict ; from Ireland he came to Falmouth, and we have found his name for the first time in the records April 7, 1687, when he purchased 5 acres of land on the Neck near Robinson’s point, of Anthony Brackett. Le Bretton who was undoubtedly one of the company, is found purchasing land as early as Sept. 1686. April 1, 1688, Bowdoin bought of George Burroughs 23 acres extending across the Neck about where South street now is : he had also another tract at Barberry Creek.

It appears by an original letter from him Aug. 2, 1687, now in possession of James Bowdoin, Esq. of Boston, a descendant in the

¹This petition is recited at length in a subsequent part of this chapter, p. 190. It was occasioned by difficulties which existed between Davis and Tyng on the one hand and Lawrence and the principal part of the inhabitants on the other, originating chiefly in a spirit of jealousy against those two prominent men.

²He however adopted the English mode of spelling, immediately, as appears by an original signature in my possession as a witness, dated March 6, 1688.

female line, that his family at that time consisted of six persons¹. He had two sons, James and John, and two daughters ; Mary married to Stephen Boutineau, and Elizabeth married to Robins. He escaped to Boston just previous to the destruction of the town in 1690, where he became an active and enterprising merchant. He died before 1717—his will was dated June 16, 1704, but was not proved until 1719, although his widow Elizabeth's will was proved in 1717². The family became distinguished in Mass. and one of his descendants was a munificent patron of the college in this State, which bears his name. The male branch is now extinct, but the name is revived by a descendant in the female line.

Le Bretton, who subsequently dropped the French article from his name, was born in 1660 ; he was a rigger by trade, and moved to Boston during the Indian troubles, where he died in 1737, leaving 8 children, viz. Peter, David, Mary, Elizabeth, Rachel, Sarah, Jane and Ann : his daughter Elizabeth married John Young of Boston, joiner, another married Edward Dumaresy, and a third Henry Venner².

As the population and business increased, it became necessary to increase the facilities of travelling. A water communication had always been kept up with neighbouring towns, and also with those more remote : the coasting trade between Falmouth and the towns in Mass. was successfully carried on, and our fish and lumber, as well as agricultural products, at that early period found a market there, for which returns were made in English goods and groceries. It is believed that two sloops commanded by Captains English and Phillips plied regularly between this bay and Boston. The communications were not however as they had formerly been, wholly confined to the water : a road several years previous to the time of which we are speaking, had been laid out from the ferry way in Cape-Elizabeth, near where it is now established, which passed round Purpooduck point by the water and joined the present road near Simonton's cove ; then passing on by the light-house and the head of Pond cove as the road is now travelled, it bent westerly and crossed

¹Mass. H. Col. 2. 3d ser. 49. Dr. Holmes' account of the French protestants. In a petition to Gov. Andross for confirmation of his title in Falmouth, he says, "his family consisted of 6 persons, of whom were 4 children not of an age to procure their living." Mass. files.

²Suffolk Prob. Rec. The ship John arrived at Salem Sept. 9, 1687, with French protestants. Mass. files 1687 pet.

the cape directly to Spurwink river which travellers crossed by a ferry, about a mile from its mouth. It then kept by the shore the whole distance to Piscataqua crossing the several rivers by ferries near their mouths. This road passed through all the settlements, as they then clustered upon the coast, but was circuitous and long. It was soon found expedient to strike out shorter paths at the expense of going greater distances through the woods. In 1686, the Court of Sessions at York granted a ferry at Nonsuch point to Silvanus Davis "for passage of man and horse over Casco river for the benefit of travellers." This point was on the south side of Long Creek and between that and Nonsuch creek; the landing on this side must have been a little above Vaughan's bridge. A road was laid out from Scarborough to the ferry, which shortened the distance between the Neck and that place several miles.

In addition to this route, there was a road to Stroudwater and Capisic which passed along on the bank of the river to round marsh, and thence probably as the road is now travelled, to those places. Another road or path was laid out by the settlements on back cove to the Presumpscot, crossing Ware creek at the foot of the hill, near the alms-house. As carriages were not then in use here, these roads may properly be considered merely foot paths through the woods, which then covered the whole territory and overshadowed the settlements.

In April 1688, Richard Clements, a surveyor, was required by the government of Mass. to make a survey of land from Kennebeck, "so as to head the several rivers of Casco bay, and see where they may be best passed in order for settling a county road as far westward as Capisic, or any other remarkable place thereabouts toward Saco, and also observe what places were proper for cross roads to each town or settlement." A like warrant was given by Nicholas Manning chief magistrate of the Duke of York's province, for a survey from Pemaquid and New-Dartmouth to the Kennebeck¹.

The only place of business in town at this time was on the bay below King, then called Broad-street; here Silvanus Davis had a ware-house, large for those times. In 1687, he was licensed by the court, "to retail liquors out of doors in the town of Falmouth," paying duties and imposts. It does not appear that there was any

¹Mass. files. July 11, 1688, Nicholas Manning was appointed by Andross, Judge of the Inferior Court in Cornwall; this was a county in the Duke's province.

other store in town ; Seacomb, who had been licensed to keep an ordinary, several years before, had moved to Back Cove and occupied the farm which he bought of the heirs of George Lewis, situated on the point where Back Cove bridge now lands ; this point was for many years called Seacomb's neck. The business which had been conducted on a large scale at Richmond's island in the early days of our history had wholly ceased, and a proportion of it, we may suppose to have been transferred to the Neck ; it consisted probably in furnishing supplies to fishermen and other similar dealing. It does not appear that at this time any foreign trade was carried on, as there formerly had been at Richmond's island ; when the interest of the proprietors in England ceased in lands here, their foreign intercourse was wholly suspended.

The town at this period was agitated by a violent internal commotion. A dispute had arisen among the principal men respecting titles to land, on which the other inhabitants took sides. The assumption of title by the government and their distribution of the lands in town, although submitted to, was never quietly acquiesced in. The ancient inhabitants who had been driven from their possessions by the war, felt themselves injured, when the government undertook to bestow upon strangers the soil which they had laboured to subdue, and from the fruits of which they had been driven by an irresistible violence. This spirit of opposition was most loudly expressed by the large landholders against those who had received the largest share of favour under the new order of things. We find therefore that Davis and Tyng became the objects of popular odium, while Robert Lawrence led the crusade against them. Lawrence complained to government that a grant had been made to Davis of a mile square at Capisic, which embraced his land ; in his memorial he represented that Davis had erected a saw-mill on it on a small brook that was dry most part of the year for no other purpose than to deprive the petitioner of his marsh, and if Davis' claim should be allowed, the petitioner would have "to starve his own cattle for such a person who seeks nothing but the ruin and destruction of all his neighbours, as is well known to all ye inhabitants, for whom it would have been happy had he not come amongst them, seeking to enjoy that for which other men have honestly paid for and spent their time and labour and estates and

lives upon, when he run away from his own at Kennebeck, where he pretendeth he hath land and marsh enough." Lawrence, for the purpose of a decision on the title, undertook to take grass from this marsh which Davis had cut ; upon which Davis procured a warrant from Tyng to arrest him for stealing his thatch ; this, Lawrence refused to obey, and in the course of the controversy he called Tyng "a hypocritical rogue." The case now assumed an unexpected shape, and he was carried before the court for a scandal upon a counsellor of the governor. The people became enlisted in the quarrel, and the town was kept in a ferment by it, until the more absorbing interest of personal danger from Indian hostilities ended the unhappy controversy.

The question however of title to the land was discussed before the Governor ; Lawrence claimed under Munjoy from an Indian title, which we have before noticed ; Davis resisted this title, and offered the following considerations "to prove that Indian grants are not sufficient to eject a present possessor."

"1. Because of the king's patent to Sir F. Gorges in the year 1622 or 1629.

2. The former government made several publications after the land was conquered from the Indians, that all should bring in their claims in such a time as was therein expressed and limited, or that otherwise the land should be disposed of to any of his majesty's good subjects that would present for the settling of the country.

3. If Indian titles be of force, that Mr. Lawrence's title cannot be good, being not obtained from the right Sagamore, as several of the Indian Sagamores did declare before Capt. Tyng, Capt. Joshua Scottow, Capt Gendall and others, that Cheberrina¹ was the right Indian Sagamore of all these lands.

4. If the Massachusetts government have confirmed the title to the said lands to the said Lawrence or his ancestors, yet not legal, because they did not confirm the said lands in a legal and requisite way.

5. Mrs. Mary Munjoy did make an agreement with Mr. Thomas Danforth, late President of said Province of Maine, to divest herself of all claims to lands within the town of Falmouth, excepting what was reserved in that instrument²."

¹A Penobscot chief.

²Mass. Files.

The latter seems to be the better ground of defence and probably the one on which Davis succeeded. The tract was confirmed to him and surveyed by Clements in 1687 or 88.

Davis and Tyng were in favor at court during the administration of Andross, and consequently carried all their points. After his downfall the inhabitants hoped to have prevailed against them, and on the 24th of May 1689, addressed the following petition "To the right Hon. President, Simon Bradstreet and Hon. Council," "The petition of ye inhabitants of ye town of Falmouth, in Casco bay, whereas our town hath been under the command of Lt. Col. Tyng and Capt. Silvanus Davis and Lt. Thaddeus Clark, an Irishman, who had their commissions from Sir Edmund Andross, who have done our town a great deal of damage to the loss of many of our men, as far as we know the abovesaid Col. Tyng and Capt. Davis did inform Sir Edmund Andross that the people of our town were an unsubdued people, for they would obey no orders, and that he would take some course with them ; then Sir E. Andross said that he would set up a court of guard and that they should be upon the watch every third night and day, which hath been the loss of many of our men, being thin clothed and lying upon the hard floor this long winter nights, and also a great loss of our * * * * both of wheat and peas, watching the third part of our time and then being in our arms as often as they please to call us, sometimes every other day that it hath so disabled us about our employment in providing for our families that it hath very much impoverished our town. We suppose that Col. Tyng can turn his coat when he pleases, when he was with the army he could D—— with the worst, but now we hear he can comply and profess like the best and all for profit like Jehew. Capt. Davis did persuade the inhabitants of our town to patent their lands and he drew petitions for them near 50 and now he chargeth them six shillings for every petition and he said he would make the inhabitants poor, he will not subscribe to pay our minister, since Sir Edmond came ; we have a great many things that we can speak that be of high concern but we shall forbear at present. The humble request of your petitioners is that you would be pleased to grant commissions to such men as we shall name for captain and commissioned officers and your petitioners shall ever pray¹." To this was

¹To this petition were subscribed the following names :—Samuel Pike, John Palmer, Andrew Alger, George C——, Jona. Orris, Anthony Brackett, Francis

added, "The commissioned officers chosen by the consent of the town are these, Anthony Brackett Capt. Mr. Robert Lawrence Left. and Samuel Pike Ensign."

This memorial produced a letter from President Danforth, exhorting the people to live in peace, to bury their quarrels and unite in the common defence of the country. To this communication both Davis and his adversaries replied—Davis repelled the charges made against him, said he was absent on public duty when the petition was got up, regretted the divisions in the town, and was willing to leave the service, but did not wish to be driven out¹.

Lawrence, on behalf of the town, replied the same day, June 12, 1689, as follows: "Hon'd Sir I am by the whole town desired to acquaint you that they received your letter and being met together unanimously resolved to agree to be commanded by all their old officers here present, until further orders from ye hon'd court excepting Capt. Davis, whom they are utterly set against and will by no means be commanded by him for divers reasons, which, if called to, are as they say ready to give, sufficient to exclude him from any publick office and earnestly desiring ye hon'd court that they may be commanded by such persons as they shall approve of:" "by request of ye people."

That Davis had a strong party we may infer from the absence of the names of many respectable persons of the town from the petition of his opponents, and also from the fact that he retained the confidence

Nicolle, Joshua Brackett, Henry Crosby, Henry Bailey, Wm. Pearce, Robert Oliver, Joseph Ingersoll, Robert Morrell, Thomas Enow, Eben'r Davenport, Richard Seacomb, John Brown, sen. Ephraim Marston, Joshua Lane, Lewis Tucker, John Wallis, Francis Haynes, George Felt, Nath'l Webber, James Webber, Matthew Paulling, Joel Madefor, sen. Josiah Wallis, Joseph Wallis, John Lane, Joel Madefor, Nathl. White, James Wallis, Henry Harwood, Job Runnells, Philip Eeds, Philip Gammon, John Randall, John Jordan, Reuben Haines, (?Robert) Wm. German, (?Jameson,) John Frizell, Samuel Skilling, Richard Thomling, George Adams, John Marshall, John Branford, Henry Langmaid, John Ham, Wm. Mansfield, Thomas Roby, John Flea, Andrew Creach, Robert Shores, James Randall, Thomas Baker, John Brown, jr. Thomas Brown, Gustan John, Robert Greason, John Nicholson, Wm. Rogers, Andrew Shaw, Peter Shaw, Thomas Paine. Although these persons in the petition style themselves inhabitants of Falmouth, I have met with the names of many of them on no other occasion; I have therefore thought that the names of persons who were on service here for a temporary period may have been enlisted in the cause to give a show of strength. It is very evident that we do not find among the subscribers, the names of many persons of known respectability and property in town.

¹Davis states in his letter that he had but 4 men in the fort, with 1 serjeant and 1 gunner, and that he had supplied it ever since Capt. Lockhart had left.

of the government unto the last². Davis certainly settled here with the approbation of the town, from which he received large grants of land and extensive privileges; these undoubtedly excited the envy and jealousy of some who took advantage of the political changes to ruin him in public favor. Lawrence was undoubtedly stimulated in his pursuit of him by motives of private interest and revenge, and was able by his standing and property to rally a party in his service. There is, we think, no good reason to pronounce an unqualified condemnation against such men as Davis and Tyng, whose capital and enterprise for several years promoted the prosperity of the place. It must not however be denied that in the time of Andross, their ambition prompted them to support the cause of arbitrary power against the rights and interests of the people.

¹He was appointed a counsellor by the charter of 1691.

CHAPTER 10.—1688—1700.

The Second Indian War and the destruction of Falmouth.

WE have now arrived at a period in our history, when all the fair prospects which the prosperity of our town afforded, were suddenly overcast by the hostility of the Indians.

The population had been gradually increasing since 1679, and amounted at this time to at least 6 or 700¹. We have no means of ascertaining the precise number of inhabitants, but have been able to trace with some degree of certainty over 80 families ; and it may be presumed that there were others, which have eluded our research. Of this number about 25 families lived upon the Neck, nearly 40 at Purpooduck, Stroudwater and Spurwink ; the remainder at Capisic, Back Cove, on the Presumpscot and the bay east of that river. Several persons who lived on the Neck, had farms in more remote parts of the town, which they made their occasional residence during the seasons of planting and harvesting.

Several causes have been assigned for the second Indian war ; those which the Indians themselves offered, were rather the ostensible, than the real foundation of the general rising. They complained that the English refused to pay the yearly tribute of corn as stipulated in the last treaty ; that they stopped the fish from ascending the Saco river, by seines and wears ; that their lands were taken by surveys under patents from the government², &c. But we must look beyond these motives for the destructive events which ensued. The French missionaries and other active men of that nation residing among the Indians in the eastern part of the State, had acquired an absolute influence over their minds by addressing them through the terrors and hopes of religion, as well as by appealing to their temporal interests. The French were more bitterly hostile to the English, than were the savages themselves, and though they could not impart to their allies the same jealousies and the same motives of action, yet they could stimulate them by the hope of plunder, the love of revenge

¹The whole population of New-England was estimated in 1689 to have been 200,000. Mass. H. Col. 1. 3d ser. 94. The same year the number of Indians from Mass. to Canso was estimated at 4,310 souls. 9th Mass. H. Col. 334.

²Math. Mag. 2. 505, 1 Hutch. 325.

and religious prejudices, to stain their tomahawks in the blood of an inoffensive population¹.

Among these active but cruel agents at this period, were the Baron de St. Castine and the missionary Thury, both residing on the Penobscot. Castine who had connected himself by marriage with the chief Sachem of the country, was roused to vengeance by a personal injury committed upon him in the plunder of his property, and a claim of jurisdiction over his estate, by the English. And Thury in his missionary zeal for the Catholic faith, laboured to persuade his flock that by exterminating the whole race from the soil, they would recover their former importance as sole masters of the land and be doing God service. It is not to be supposed that the Indians themselves were unwilling hearers of this preaching, or reluctant doers of the work which was recommended; and they entered upon the task alike ignorant and careless of the consequences.

They commenced their operations in Aug. 1688, by killing cattle in the eastern plantations, and threatening the lives of the people; the promise of assistance from the French in Canada, made them menacing and forward in their deportment, and they entered the houses of the inhabitants in an insolent and offensive manner. "They gave out reports that they would make war upon the English, and that they were animated to do so by the French²." These hostile indications created alarm through the whole line of eastern settlements, and led to some precautionary measures. In Sept. 1688, Captain Tyng wrote from Falmouth that he was in treaty with the Indians, but feared that Casco would be the centre of trouble. The magistrates in Saco seized between 16 and 20 of those who had been principal actors in that quarter during the last war, with a view of bringing their followers to a treaty, and preventing the dreaded catastrophe. Among these were Hopewood, the Higuers and the Doney's, "all being cruel, murderous rogues," who were sent under guard to Falmouth. This step, which was perhaps incautious, led

¹Bomazeen, a noted chief, told one of the Boston ministers that the French had taught the Indians "that the Lord Jesus Christ was of the French nation; that his mother, the Virgin Mary, was a French lady, and that it was the English who had murdered him." *Math. Mag.*

²For many facts relating to the commencement of the war and the destruction of the town, we rely upon the account of our townsman, Silvanus Davis, who was a prominent actor in the scenes, which he relates. It is preserved in Hutchinson's papers, published by the *Mass. Hist. Soc.* and is on file in the office of State Mass.

to reprisals on the part of the Indians, who robbed the English and took some prisoners. Gov. Andross was at this time in New-York, and those who had charge of the government sent some troops to Falmouth, accompanied by Mr. Stoughton, one of the council, with a hope of compromising the existing differences without the effusion of blood. He was unsuccessful in his pacific purpose and returned to Boston, having left orders that the prisoners should be sent thither, and that the people should secure themselves in garrisons. To accomplish this last order, Capt. Gendall proceeded to North-Yarmouth with a company of soldiers in Sept. to construct stockades, on each side of Royall's river for the defence of that place; while there, he was attacked by 70 or 80 Indians, whom after a severe conflict, he succeeded in chasing away, with the loss of several lives on both sides. This was the first blood spilt in the war. In the evening after the skirmish, Capt. Gendall and his servant crossed over the river and were both killed in an ambuscade¹; the same evening, John Royall and another person were taken prisoners, the latter of whom was barbarously killed, but Mr. Royall² was ransomed by Castine.

Gov. Andross on his return from New-York, hoping by mild measures to avert the pending calamity, released the Indians who had been arrested and restored to them their arms, without any condition as to the prisoners and property which had been taken in retaliation. On the 20th of Oct. he issued a proclamation requiring them to deliver up their captives, and surrender for trial those persons who had been concerned in the murder of Englishmen. The measures of conciliation and the proclamation were alike ineffectual, and early

¹The previous incidents in Capt. Gendall's life have been already adverted to. He appears not to have left any male issue, at least we do not meet the name again, and it is believed to have died with him.

²Wm. Royall the first of this family in this country was settled in Casco Bay as early as 1636, and is probably the same person who is mentioned in a letter from the Gov. of the N. Eng. Co. to Endicott (1 Haz. 265) as having been sent over to him in 1629. He was "a cooper and cleaver." In 1643, he purchased of Thos. Gorges the point of land on the east side of the river, which bears his name, and on which he then lived. He was one of the Gen. Ass. of the province in 1648. In 1673, he conveyed to his two sons Wm. and John, his land and buildings on Westcustogo river (Royall's) in consideration of support for himself and his wife Phebe. His son John married Eliza Dod, grand-daughter of Nicholas Davis of York, and was living there in June 1680. His son Wm. was born in 1640, and died Nov. 7, 1724, in his 85th year. The Hon. Isaac Royall, son of the 2d Wm. was born 1672, resided in Antigua, nearly 40 years, returned 1737, and died June 7, 1739. The Royall who was taken prisoner was John, son of the first Wm. his house was used as a garrison by order of Col. Tyng and Judge Stoughton.

in Nov. the governor raised a force of about 700 men and marched through the country as far east as Pemaquid. In the latter place he established a garrison of 36 men of the standing forces under command of Capt. Anthony Brockholst and Lieut. Weems, and left two new companies of 60 men each, under command of Captains Tyng and Minot, for its defence. He also stationed garrisons at each of the settlements on the coast ; that for Falmouth consisted of 60 men under command of Capt. George Lockhart. The whole number of troops disposed of in this manner in Maine and the province east of the Kennebeck, was 568 ; a force sufficient to have protected the frontier had it been permitted to occupy the stations into which it had been distributed. The expedition was fruitless of any other good consequences ; not a single individual of the enemy was met with and the troops suffered severely on their march by fatigue and exposure.

In April 1689, the authority of Andross was subverted by a popular excitement, and was succeeded by an irresolute and inefficient government. The revolution, although it destroyed an oppressive exercise of power, undoubtedly had a prejudicial effect upon the existing war. As soon as information of the movement in Boston reached the garrisons, they revolted from their officers, many of them abandoned their posts, and they all were more or less weakened. Andross in a report upon the disposition of the forces, at the time of the subversion of his government, and the influence of it on his defensive preparations, subjoins a note in relation to each garrison. Of Pemaquid he says, " Upon the insurrection, the forces being withdrawn, and only 18 of the standing company left in garrison, the fort is since taken by the French and Indians and the country destroyed." Of the fort at New-Castle he says, " Most of the men drawn off, and others debauched, they seized their officer and carried him prisoner to Boston, and thereupon the fort was deserted." Of Falmouth he remarks, " The commander seized and forces withdrawn'."

In April 1689, the Indians renewed their hostilities at Saco, but without doing much injury. In June, Dover was surprised and

¹Hutch. pap. 1 Mass. Hist. Col. 3d ser. 85. Some suspicions had been entertained by government that Capt. Lockhart had communicated with the enemy, but this was repelled by a letter from Falmouth, signed by A. Brackett and several others April 26, 1689, in which they say that he conducted with skill and fidelity while at Falmouth.

Major Waldron was cruelly slaughtered, with several other inhabitants. In the course of the summer the Indians on the Penobscot were joined by the French, and systematic operations were commenced on the settlements east of Casco bay ; Pemaquid was taken and all the inhabitants in that region were driven from their homes and sought protection under the fort at Falmouth¹.

Notwithstanding the importance of Casco fort to the lives and property of a large number of people, the government seem thus far to have left its defence almost wholly to the care and resources of private individuals. In June 1689, Brackett, Lawrence and Ingersoll wrote to government urging immediate assistance ; they represented that there were but few men in the fort and those almost worn out with watching, that they had on hand but 3 1-2 bbls. of powder, 24 hand grenades, about 2 1-2 lbs. of musket shot, about 20 balls for the great guns, a small quantity of match, about 30 cartridge boxes for small arms ; not one musket belonging to the fort and no provision. Silvanus Davis wrote on the same day that he had supplied the fort from his store ever since Capt. Lockhart had left.

The government was roused from its lethargy by these representations and alarming movements, and in August they sent Major Swain by land with 7 or 8 companies to protect the eastern towns. In Sept. they procured the services of Major Benjamin Church, of Plymouth colony, who had been a skilful officer in Philip's war ; he raised from among his old soldiers, volunteer troops of English and friendly Indians, and proceeded by water to the head quarters in Falmouth. His instructions were signed by Pres. Danforth, who had been restored to his government June 28th, and the commissioners of the United Colonies, Sept. 18, 1689 ; in which were the following directions : " You are with all possible speed to take care that the Plymouth forces both English and Indians be fixed and ready, and the first opportunity of wind and weather, to go on board such vessels as are provided to transport you and them to Casco, where if it shall please God you arrive, you are to take under your care and command the companies of Capt. N. Hall and Capt. S. Willard² ;" and again, " we have ordered two men-of-war sloops, and other small vessels for transportation to attend you." It was

¹Math. Mag. 2. 512.

²These companies were part of the forces sent under Swain, but it does not appear that Willard's company was here at the time. •

agreed that his soldiers should "have the benefit of the captives, and all lawful plunder and the reward of £8 per head for every fighting Indian man slain by them, over and above their stated wages." He was further instructed to consult with Capt. Davis of Falmouth, who they say, "is a prudent man and well acquainted with the affairs of those parts, and is writt unto to advise and inform you all he can." On his arrival at Falmouth, it appeared that the enemy, the day before, had landed in large force upon Peak's island, at the mouth of the harbour¹. He found here Mrs. Lee, a daughter of Major Waldron, of Dover, on board of a Dutch vessel, who had just been ransomed from the enemy; she informed him "that the company she came with had four-score canoes, and that there were more of them whom she had not seen, which came from other places, and that they told her that when they came all together, should make up 700 men²." The preparations of the place were miserably insufficient to protect the people from such a number of invaders; but Church with his accustomed zeal immediately concerted with the chief men a plan of operations. From the time he had arrived in sight of the harbour, he had caused his troops to keep concealed, in order to take the enemy by surprise; at night-fall, he ordered them to be landed with as little noise as possible, and to dispose of themselves in the fort and adjacent houses, and be in constant readiness.

Early next morning an hour before day, he put the troops in motion, and with several of the inhabitants he proceeded "to a thick place of brush, about half a mile from the town."

In the mean time, the enemy had not been idle; in the night they had moved to the upper part of the Neck, either by Fore river or Back Cove, and by dawn of day, Sept. 21, made their appearance upon the farm of Anthony Brackett, whose house stood upon the ground now occupied by the mansion of James Deering, where they were discovered "by virtue of 12 firings." The alarm was immediately given by Brackett's sons; and Capt. Hall's company who were in advance, hastened to the spot. The enemy were in Brackett's orchard, and here the action commenced. Church, on hearing

¹Joseph Prout wrote from Falmouth Sept. 17, 1689, that 200 Indians were then on "Palmer's island."

²Church's expeditions, the number here is over rated probably—Davis in a letter to government of Sept. 22, 1689, states the number to have been between three and four hundred.

the alarm, proceeded with a reinforcement, and a supply of ammunition, which was transported across Back Cove creek by one of the friendly Indians. Capt. Hall was sustained by the remainder of the English forces stationed on this side of the creek, who galled the enemy by firing over the heads of Hall's soldiers. After maintaining the fight some time in this manner, Church determined to attack the enemy in the rear, and having communicated his plan to Capt. Hall, he proceeded up the creek to the bridge which crossed it, in the same place probably where one now stands. The enemy perceiving his object, immediately retreated, and he supposing that they had made for the bridge, or sought some other passage into the town, returned to the bridge, and finding no trace of them there, he hastened across the Neck to the south side, by Clarke's point, where finding "the cattle feeding quietly in Lt. Clarke's field," and perceiving no trace of the enemy, he hastily retraced his steps, and passing over the burnt land and through the brush, formed a junction with Capt. Hall's company, which had borne the brunt of the battle. He now gave orders for his whole army to pursue the enemy, but learning that most of the ammunition which was suitable for the guns was spent, he gave over his design and returned with the dead and wounded to the fort. Church closes his interesting account of this affair as follows: "Capt. Hall and his men being first engaged, did great service and suffered the greatest loss in his men. But Capt. Southworth with his company, and Capt. Numposh with the Seconit Indians, and the most of the men belonging to the town, all coming suddenly to his relief, prevented him and his whole company from being cut off. By this time the day was far spent, and marching into Town about sunset, carrying in all their wounded and dead men; being all sensible of God's goodness to them, in giving them the Victory, and causing the enemy to fly with shame, who never gave one shout at drawing off."

The field of this rencontre, as has been intimated, was on Brackett's farm, now owned by Mr. Deering, at Back Cove; the orchard extended down toward the point. Capt. Hall must have forded the creek or cove, in order to have attacked their front. Church gives as a reason that he did not intercept their flight, that "the thick

¹"A Narrative of the several expeditions of Col. Benjamin Church against the Indians from 1676 to 1704. Prepared for the press by his son." Col. Church was born A. D. 1639, and died at Little Compton A. D. 1717.

brushy ground" impeded his march. The enemy were judged to be three or four hundred strong, and the engagement continued about six hours before they retreated.

The timely arrival of this succour saved the whole population of the town from the merciless hands of their savage enemy; had Church arrived a day later, he probably would have been called to bury the bodies of his slaughtered countrymen and to mourn over the ruins of their settlement.

The loss on the part of the English in this action was eleven killed and ten wounded¹; of the enemy's loss not much is known, as, according to their custom, they carried their slain with them on their retreat; Davis thought many of them must have been killed².

The enemy met so warm a reception at Falmouth, and found the country so well protected, that they retreated into their forests and committed no further depredations during the year. Church visited the garrisons at Spurwink and in Scarborough, and went up Kennebeck river before he returned. On the 13th Nov. 1689 he held a council of war at Falmouth, at which were "present Capt. Davis, Capt. Wm. Bassett, Capt. Simon Willard, Capt. Nathl. Hall, Lt. Thaddeus Clarke, Lt. Elisha Andrews, Mr. Elihu Gullison, Lt.

¹We have fortunately found the original list of the killed and wounded on file in Mass. State office, enclosed in a letter from Col. Church and dated on the day of the action, "Sept. 21 1689 a liste of the men that was slain in a fite at Falmouth, and also how many was wounded in said fite; of Capt. Hall's soldiers 6 slain—Thomas Barton, Edward Ebens, Thomas Thaxter, Thomas Berry, John Mason, David Homes.—Of Capt. Davis' company 2, Giles Row, Andrew Alger, belonging to the fort of the town. An Indian, a negro of Col. Tyng's, Capt. Brackett carried away or slain 11 in all—Wounded 6 friend Indians—of Capt. Davis' company James Freeze, Mr. Bramhall, Thomas Browne, Mr. Palmer inhabitants. total 21 slain and wounded*."

*Freeze and Bramhall died of their wounds and one friendly Indian. The following extract from B. York's deposition in 1759, furnishes some additional particulars: "I well remember that said George Bramhall was shot by the Indians about ye same time in ye fight over on Capt. Brackett's farm, and said Brackett was also killed at the same time at his house at Back Cove, and said Bramhall was brought over alive after ye fight to ye Neck near fort Loyal and put into Capt. Tyng's house to best of my remembrance, and died the next day of his wounds; and his son and other help they got, brought a number of hides from ye house and tan pitts to ye said Neck; and I remember said George Bramhall left three sons Joseph, George and Joshua and I think one daughter, who all moved away with their mother to the westward soon after."

²In relation to the loss by the enemy, Church wrote from Falmouth to the Gov. Sept. 27, 1689, as follows: "We know not yet what damage we did to the enemy in our last engagement, but several things that they left behind them on their flight we found yesterday, which was gun cases and stockings and other things of some value, together with other signs that makes us think that we did them considerable damage." Hutch. papers.

George Ingersoll, Lt. Ambrose Davis, Mr. Robert Lawrence, Mr. John Palmer and others." "Ordered that 60 soldiers be quartered in Falmouth, beside the inhabitants and the soldiers that shall belong to the fort, which shall be 15 soldiers beside the commander and gunner." It was also ordered that a sufficient garrison be erected about Mr. Gullison's house for a main court of guard, and *that* and "Mr. Lawrence's garrison are to be supplied from the 60 soldiers left to guard the said town." The chief command was assigned to Capt. Hall.

The inhabitants of Falmouth were fearful that vengeance would be visited upon them in the spring by the enemy in retaliation for the late defeat, and were therefore anxious to abandon the settlement on the return of Major Church. He however persuaded them to remain, assuring them that if government would provide the means in the spring, "he would certainly come with his volunteers and Indians to their relief."

This worthy officer laboured hard to accomplish his promise, he represented to the government their exposed situation, and "at every opportunity entreating those gentlemen in behalf of the poor people of *Casco*, informing them the necessity of taking care of them either by sending them relief early in the spring, or suffer them to draw off, otherwise they would certainly be destroyed. Their answer was, "they could do nothing till Sir Edmund was gone" !

This criminal indifference to the fate of so many people, cannot be too severely reprobated; and it was not until the awful calamity which overwhelmed our settlement burst upon them that they were sensible of their fatal error.

Early in the following year (1690) the enemy renewed their depredations. They consisted of French and Indians; in the language of Mather, "being half one and half t'other, half Indianized French and half Frenchified Indians." In February they made a descent from Canada upon Schenectada, in New-York, in which they killed about 60 persons. On the 18th of March another party commanded by Artel, a Frenchman, and Hopewood, "that memorable tygre," destroyed the settlement at Salmon Falls, "with fire and sword."

¹The government were preparing to send Sir Edmund Andross and some of his council prisoners to England. Andross died in London 1714.

Capt. Willard, an experienced officer from Salem, who had been stationed in Falmouth¹, was ordered in February to pursue the enemy to their head quarters ; on his departure the command of the fort devolved upon Capt. Davis. It does not appear that there were any regular troops left here, and the defence of the place depended upon the courage and exertions of the inhabitants. While they were in this situation, a party of the French, some of whom had assisted in the affair at Schenectada, formed a junction with the eastern Indians under Madockawando, and were discovered in the beginning of May passing in a large fleet of canoes across Casco Bay. From the direction of their course the people of Falmouth entertained hopes that their destination was to a more remote part of the country ; but in this they were disappointed. In a few days they were discovered lurking in this vicinity, and Robert Greason, a Scotchman, one of our inhabitants who lived upon the Presumpscot river, fell into their hands. As soon as it was known that they were in the neighbourhood, strict orders were given for the people to confine themselves to their garrisons, and to keep constant watch to prevent surprise. There were then in addition to fort Loyal, four garrison houses in this part of the town, whose local situation we have not the means of accurately determining ; one was on Munjoy's hill, near the burying ground, at the stone house of Capt. Lawrence. Sullivan says another stood "where Dearing's house now stands ;" this was at the foot of Exchange-street, and was probably the house of Lt. George Ingersoll, which occupied that spot ; he says another stood on the rocky ground south of where the first meeting house stands. He cites no authority for determining these localities, and probably derived them from tradition, which we have found a most unsafe guide in inquiries of this nature. It would seem entirely unnecessary to have so many garrisons in the immediate vicinity of the fort, and we have thought some of these defences may have been in the more remote parts of the town for the protection of the inhabitants there. Elihu Gullison's house was established by the council of war in Nov. preceding as a principal garrison house, but we cannot determine its situation.

Thaddeus Clarke, Lieut. of a company of town soldiers, imprudently neglected the precaution which had been given to keep his

¹ Capt. Willard wrote from Salem in Nov. to the Gov. that his men at Casco needed supplies, that the parents of his soldiers were much displeased because they had not returned as promised. He proposed that Dr. Haraden be encouraged to visit the soldiers in Casco and take care of them. *Ann. of Salem*, 295.

men within the garrison ; being desirous to discover something of the movements of the enemy, he went out with about 30 " of the stoutest young men," to the top, of what we suppose was Munjoy's hill, which was then covered with woods. We give the sequel of this unhappy adventure in the language of Mather¹ : " The outlet from the town to the wood, was through a lane that had a fence on each side, which had a certain *block house*² at one end of it : and the English were suspicious, when they came to enter the lane, that the Indians were lying behind the *fence*, because the cattle stood staring that way, and would not pass into the wood as they use to do. This mettlesome company then run up to the fence with an *huzza*! thinking thereby to discourage the enemy, if they should be lurking there ; but the enemy were so well prepared for them, that they answered them with an horrible vengeance, which killed the Lieut. and 13 more on the spot, and the rest escaped with much ado unto one of the garrisons."

After this disheartening and ominous event, the enemy immediately attacked the garrisons ; these were resolutely defended ; but at night, their ammunition being nearly exhausted, the beleaguered abandoned their posts and drew off to fort Loyal. Next morning, being the 16th of May, the enemy set fire to the houses, and laid seige to the fort with their whole force. The local situation of the fort was highly favourable to their design : it was situated on a rocky bluff fronting the harbour, at the base of which the enemy could work securely beyond the reach of its guns³. The number of the assailants was so much more numerous than that of the English, that the latter deemed it not prudent to leave their defences. The seige was carried on 5 days and 4 nights, when at last, many of the English having been killed and wounded, the remainder capitulated on the 20th of May. The following account of the attack and surrender, by Capt. Davis, the commander of the fort, will not be uninteresting. " Myself having command of a garrison in Falmouth for the defence of the same, a party of French from Canada, joined with a company of Indians, to the number of betwixt four and five hundred French and Indians set upon our fort. The 16th of May, 1690, about dawning, began our fight : the 20th, about

¹Mag. 2, 524.

²Probably Lawrence's house.

³This bluff probably retains the same general features it had then ; the fort stood in the rear of the three story house now situated at the foot of King-street.

3 o'clock, afternoon, we were taken. They fought us 5 days and 4 nights, in which time they killed and wounded the greatest part of our men, burned all the houses, and at last we were forced to have a parley with them in order for a surrender. We not knowing that there was any French among them, we set up a flag of truce in order for a parley. We demanded if there were any French among them, and if they would give us quarter. They answered, that they were Frenchmen, and that they would give us good quarter. Upon this answer, we sent out to them again, to know from whence they came, and if they would give us good quarter, both for our men, women and children, both wounded and sound, and that we should have liberty to march to the next English town, and have a guard for our defence and safety unto the next English town—then we would surrender; and also that the Governor of the French should hold up his hand and swear by the great and ever living God, that the several articles should be performed. All which he did solemnly swear to perform; but as soon as they had us in their custody, they broke their articles, suffered our women and children and our men to be made captives in the hands of the heathen, to be cruelly murdered and destroyed many of them, and especially our wounded men; only the French kept myself and 3 or 4 more, and carried us over land for Canada * * *. About 24 days we were marching through the country for Quebeck in Canada, by land and water, carrying our canoes with us. The chief of the Indians that came against us was those Indians that we had in hold, that Sir Edmond Andross ordered to be cleared, and Sieur Castine and Madockawando, with their eastern forces. The French that took us came from Canada, in February last past, designed for the destruction of Falmouth, by order from the Governour there, the Earl of Frontenac. The commander's name was Mons. Burniffe: his Lieut.'s name was Mons. Corte de March, who was at the taking of Schenectade. They brought several Indians with them from Canada, and made up the rest of their forces as they marched through the woods from Canada. But I must say, they were kind to me in my travels through the country. Our provisions was very short—Indian corn and acorns—hunger made it very good and God gave it strength to nourish. I arrived at Quebeck the 14th of June 1690. * * *. I was at Quebeck 4 months and was exchanged for a Frenchman Sir Wm. Phipps had taken, the 15th of October, 1690."

¹The original paper is on file in the Mass. office of State.

The names of but few of the persons who perished in the unhappy fall of Falmouth are preserved, and those incidentally. Among the killed were Lieut. Clarke and the thirteen young men of his company, who were left dead upon the spot as before noticed.

Thomas Cloice and Seth Brackett, son of Anthony, were killed, but it is not known whether they were among the slain of Clarke's company or not. It appears by the Danvers records, that Thomas Alsop, Edward Crocker and Geo. Bogwell were killed at Casco, in 1690. Jos. Ramsdell, a soldier from Lynn, was also killed. Capt. Robert Lawrence was mortally wounded, and Anthony Brackett jr. James Ross and Peter Morrell were among the prisoners. It is to be regretted that a more perfect record of the sufferers in this catastrophe has not been preserved; we have been indebted to ancient depositions taken to perpetuate evidence, for the few names we have been able to present. In this disaster the town records were destroyed¹, together with all other combustible or destructible property in town, and the once flourishing settlement exhibited an entire and melancholy ruin². It was visited by Sir Wm. Phipps and Major Church in August 1692, on an expedition east, when they buried the bones of the slain as they were bleaching upon the soil, and removed the cannon of the fort, which had been too large for Indian transportation.

After the capture of fort Loyal the garrisons at Purpooduck, Spurwink and in Scarborough were so disheartened that they aban-

¹It has been intimated that the town records were carried to Canada; but it is not probable that the enemy would take pains to preserve and transport so great a distance, documents which to them had no sort of value. Judge Freeman mentioned the report to me, but he had no authority for it but tradition. Had there been a reasonable ground for the idea, the subsequent settlers would have obtained them, at a time when their loss was severely felt and produced great confusion in titles.

²William Vaughan, Charles Frost and Richard Martyn, wrote to Boston from Portsmouth, May 19, 1690, that they had just heard of the attack on Casco—that two men from Spurwink garrison on hearing the firing at Casco, went to see about it; when they came near, “they saw but 2 houses standing, the fort on fire and the enemy very numerous thereabout.” On the 22d of May they wrote again that the vessels they had sent, discovered that the enemy 3 or 400 strong had possession of Casco, and as they approached the fort, they were fired upon, and while they staid, the remainder of the fort and houses were burnt; that 3 or 400 people mostly women and children had arrived at Portsmouth from the eastward, and that the vessels reported that Black point, Richmond's island and Spurwink were burning as they passed. (Gen. Court files.)

The General Court in October following ordered a payment for wages to be made to the wives and relations of the soldiers who were slain or taken at Casco.

doned their posts and retreated upon Saco. In a few days after, the people in the latter place drew off to Wells and left the country east of that settlement, wholly depopulated and unprotected.

Major Church was sent to this bay again in Sept. to harrass the enemy. The expedition on its return anchored for a night off Purpooduck point ; and the accommodations on board the vessels being limited, three companies encamped in a deserted house on shore. At the dawn of day the Indians attacked the camp and an obstinate engagement ensued, during which the troops from the vessels were landed ; the enemy were driven off with the loss of 13 canoes. Several were killed and wounded on both sides ; one Indian prisoner was taken, "a lusty man who had Joseph Ramsdell's scalp by his side'."

Falmouth became the scene of no more engagements during the war ; a single anecdote relating to the place told by Mather with high relish may close the subject. As the Indians were passing through "*deserted Casco*" in 1694, the squaws desired the young men to shoot some horses that were straying about Capt. Brackett's orchard, as they were suffering from hunger ; but the young men wishing to have some sport first, caught one of the horses, and making a halter from the mane and tail, a son of the famous Higon mounted the steed for a ride, and to secure him from falling he had his legs tied under the horses belly. But no sooner was the horse at liberty, than he set out at full speed "through briar and brake," without regard to the feelings or the wailings of his rider. Nothing more was seen of poor Higon but a leg which was buried with great lamentation in Capt. Brackett's cellar.

The war continued until 1698, when a treaty of peace concluded at Ryswick in 1697 between the English and French having been announced, and Madockawando being dead, all obstructions to an accommodation were removed. Articles of agreement were entered into in October, and a treaty was finally executed at Mare's point in Casco bay January 7th 1699. At which time the whole territory of Falmouth, which before the war was covered with an active and enterprising population was a perfect blank, a thorough-fare for the savage and a resort for beasts of prey.

¹Church.

CHAPTER 11.

A notice of some of the inhabitants of Falmouth, during the second settlement.

IN the foregoing pages we have introduced occasional notices of some of the prominent men of the town. We propose now to conclude this part of our history by adding some additional particulars relative to the lives and characters of several of the inhabitants, and furnishing as full a catalogue as we have been able to collect of all who resided here between 1680 and 1690.

James Andrews, son of Samuel Andrews, who came from London, was born in 1635, probably in Saco ; but soon after his father's death, which took place about 1638, he removed with his mother to Falmouth, on her marriage with Arthur Macworth. He is supposed to have married for his first wife Sarah, a daughter of Michael Mitton ; the christian name of his second was Margaret, we cannot supply the surname. He lived on a large farm east of Presumpscot river, which passed by mesne conveyances to the Jones family, and is now partly owned by Capt. Samuel Moody. During the Indian war he removed to Boston, where he died in 1704, leaving a widow, one son Elisha, and 3 daughters, Rebecca, wife of Jona. Adams, Dorcas, wife of Ebenezer Davenport, and Jane, wife of Robert Davis : he is believed also to have had a son James and another Josiah or Joshua. The two last not being mentioned in his will, probably died before him.

Anthony Brackett, who was killed in 1689, has been so frequently noticed, that but few remarks will now be necessary. He filled a large space in the affairs of the town, and his death at the commencement of the troubles must have been seriously felt by his townsmen. Of his children by his first wife, *Anthony* was taken prisoner at the capture of the fort, and escaped in Sept. following ; he rendered the country very acceptable services during the war and finally settled in Boston ; his son *Anthony* was a rope-maker ; his posterity sold their right in lands here and did not return. *Seth* the second son, was killed in the attack on the town in 1690. His daughter *Mary* was unmarried in 1717 : *Kezia* married Joseph Maylem, and *Elinor* Richard Pulling, both of Boston. By the second marriage Brackett

had a family, none of whose names have we been able to learn but that of his eldest son *Zachariah*, who subsequently lived in Hampton, N. H. where his oldest child Sarah was born March 1, 1709. He returned to Falmouth before 1720, when another daughter was born here : he had nine children born between 1709 and 1727, from whom a numerous posterity has spread over the State.

George Bramhall was actively employed during the time he lived in town ; he carried on the tanning business in addition to his large farm ; some remains of the tannery may still be traced at the foot of the hill near Vaughan's bridge. His family, consisting of his widow Martha and children, Joseph, George, Hannah and Joshua, after his death which has been before noticed, moved to Plymouth colony. George was living in Hingham in 1733 ; Joseph was a wine-cooper in Boston, where he died without issue in 1716. Hannah married Jonathan Hall of Harwich : Joshua returned to Falmouth in 1729, and settled upon his father's farm, where he remained until 1758, when he returned to Plymouth¹.

Thaddeus Clarke came from Ireland. He married Elizabeth the second daughter of Michael Mitton about 1662, which is the earliest notice we have of him. Although a man of standing and enterprise, he had not much education, his signature to instruments was made by a mark. He lived on the bank a little above the point on the Neck, to which he has left his name, where trace of the cellar of his house is still visible. His eldest daughter Elizabeth married Capt. Edward Tyng, another married a Harvey, and was a widow in Boston 1719, his son Isaac was living in Framingham, Mass. in 1718 ; his widow died in Boston in 1736, aged 92 years.

Thomas Cloice was the son of John Cloice. He married Susanah a daughter of George Lewis, by whom he had three children, Thomas who died in Boston before 1735 without issue ; George who lived in Salem in 1735, and Hannah. He had a house on the north side of Middle-street, a few rods west of King-street. A Sarah Cloice who was a conspicuous object in the Salem witchcraft in 1692, was probably connected with this family. None of them returned to Falmouth.

¹I have preserved in the Appendix VIII. copies of some original papers in my possession, which belonged to Mr. Bramhall, as having some interest in this connection.

John Corney was a labourer, he lived one year in John Ingersoll's house and one year in Samuel Ingersoll's house, both on the Neck ; he had a 60 acre lot on Nonsuch point ; he had a son Elisha born 1668 ; they both subsequently lived in Gloucester.

Ebenezer Davenport came to Falmouth about 1685, when he was 24 years old, and lived on a farm east of Presumpscot river, near James Andrews', whose daughter he married. On the destruction of the town he settled in Dorchester, where he was living in 1735, aged 74 years.

Isaac Davis lived on a large farm at Stroudwater, north of Long Creek, but he had a house upon his lot in the village on the Neck. He had several children, of whom *John* was the eldest, born in 1660, who with his brother *Samuel*, were living in Gloucester in 1733 ; *James*, another son, and the children of a daughter who married Fitts, were living in Ipswich the same year ; another daughter married Smith, whose son Richard lived in Biddeford in 1720.

Lawrence Davis was a settler before the first war ; during this war he remained in Ipswich, from which he returned about 1681, and settled upon his farm at Purpooduck. His daughter *Rachel* born 1663, married Robert Haines for her first husband, and Wedgewood for her second, and lived with him in Hampton, N. H. Davis's son *Jacob* also settled at Purpooduck where he had a family.

Silvanus Davis. Of the early part of the life of Mr. Davis and his connection with Falmouth, as much has been already exhibited as is consistent with our limits. On his return from captivity in 1690, he probably fixed his residence in Boston, where he died in 1703. He was appointed by the king, a counsellor for Sagadahock under the charter of 1691. He left a widow but no issue ; by his will he gave to his wife the use of "the house he lately built at Nantasket," with the furniture during her life, and to the three daughters of James English, "in consideration of his intimacy and kindness" all his interest in lands in Casco bay, they giving to his wife £5 each.

Henry Donnell came from York and occupied Jewell's Island as a fishing stage about 30 years. He married a daughter of Thomas Reading, an early settler in Saco, but who afterwards moved into Casco bay, by whom he had sons Henry and Samuel. They were subsequently inhabitants of York. Samuel became a counsellor under the new charter.

James Freeze was killed by the Indians in 1689 ; he left a son *Jacob*, who afterwards lived in Hampton. Jonathan, George and Joseph Freeze are stated to have been his heirs.

Philip Gammon was a fisherman and lived at Purpooduck. He married a daughter of *John Parrott*, also a settler in the same place. He was living in Portsmouth in 1734. There are persons of this name now in Cape Elizabeth, who probably descended from him.

John Gustin bought land on Presumpscot river just above the falls, of *Thomas Cloice* in 1686, and lived upon it. After the destruction of the town he lived at Lynn. He returned to Falmouth, where he died in 1719, leaving a widow Elizabeth, and children, Samuel, John, Eben.^r Thomas, David, Sarah and Abigail.

Robert Haines lived at Purpooduck ; he married Rachel, daughter of Lawrence Davis, by whom he had one son, Thomas, who was his only heir, and was living in Hampton in 1733. His widow was living at Hampton in 1747, aged 84.

George Ingersoll. The Ingersoll's having been repeatedly mentioned in the foregoing pages, and their origin noticed, we shall now add but few particulars relating to them. We have no doubt that all of the name who settled here descended from Richard, who arrived at Salem in 1629. The first George, the Lieut., survived the second desolation of the town, and was living in Salem in 1694, aged 76. We are not able to ascertain that he had more than three children, *George*, *Samuel*, and one killed in the first war. In 1694 he sold to Timothy Lindall, of Salem, his house lot on the Neck, lying east of Exchange-street and extending to the channel of Fore river. His son Samuel's house lot joined this on the east, and he sold it to Mary Sargent in 1721 ; Samuel lived at Stroudwater between the river and "Davis's mills." We do not know the time of George's death nor that of his son Samuel. *George, jr.* was a shipwright ; he

I have before intimated an opinion that this person is the same who received a grant from Danforth under the name of *Augustine John*, who was a Frenchman. I am confirmed in that opinion by a fact stated by Peter Housing in a petition 1687, that his mother sold one half of his father's farm on the west side of Presumpscot river to "Gustian John, a Frenchman." Now Housing was connected by marriage with John Cloice, from whom he received land on the Presumpscot ; and Thomas Cloice, son of John, who received the principal part of his father's land on the river conveyed to *John Gustin* 60 acres of it Dec. 14, 1686. John Gustin subsequently claimed and his family occupied it, and his descendants live in that neighbourhood to this day. We hear nothing afterwards of Augustine John, except as subscriber to a petition in 1689, in which his name is written "Gustan John."

moved to Boston after the fall of the town, but returned on its revival. He did not however long remain here at that time, but returned to Boston, where he died before 1730. In 1687 he was living on 100 acres at Stroudwater, possessed by him about 26 years. His son *Daniel* occupied his Danforth grant lying east of Willow street, which was confirmed to him by the town in 1721. Daniel was also a shipwright, and moved to Boston after a residence here of a few years. He sold his house lot to Moses Pearson in 1730, describing it as "his father's former possession." Part of this continues in the family of Pearson to this day.

John Ingersoll, as we have seen, lived at Capisic. On the breaking out of the war he moved to Kittery, where he died in 1716, leaving a widow Deborah then aged 71, and children Elisha, Nathaniel, John, Ephraim, Deborah, born 1668, and married to Benjamin Larrabee, Mary, married to — Low, Rachel, wife of John Chapman, Abigail, married to — Blacey, and another daughter who died before him, who had been married to — Brown. His son Elisha and son in law Chapman, came to Falmouth on the resettlement, and took possession of the farm.

Joseph Ingersoll was a joiner, and lived at Capisic; he married a daughter of Matthew Coe. Danforth granted him a lot on the west side of Exchange-street, on which he built a house. On the resettlement of the town his son Benjamin returned from Gloucester, where his father then resided, took possession of his father's grants, and became an active and useful inhabitant. In 1738 Benjamin sold 4 acres lying west of Exchange-street, including his homestead to Phineas Jones, and moved to North Yarmouth.

Dominicus Jordan, 3rd son of Robert Jordan, married Hannah, a daughter of Ralph Tristram, of Saco, as early as 1683, and lived at Spurwink. By her he had Dominicus, born in 1684, Mary Ann, Samuel, Nathaniel, Hannah, married to Joseph Calef of Boston, and Elizabeth married to Humphrey Scamman of Saco. Capt. Jordan was killed in the war of 1703 by the Indians, and his wife and family were carried to Canada. They were all restored but Mary Ann, to whom the name of Arabella was given by her French masters. She married in Canada, where she was living in 1760, and never returned. The eldest son, Dominicus, escaped after a residence of several years, and was an active and useful man in the subsequent affairs of our town, as will be hereafter more particularly

mentioned ; he was the progenitor of a numerous race, part of whom now occupy the paternal estate. Nathaniel also established himself on his hereditary estate, which was finally divided among the heirs in 1754. Samuel and Elizabeth lived in Saco, where their posterity still maintain a respectable rank.

Robert Lawrence, who was killed in the attack upon the fort, sustained the rank of captain. His wife was the widow of George Munjoy, by whom he entered into the possession of a large property here. It does not appear that he left any offspring, and we have not been able to ascertain his origin. A long quarrel growing out of a disputed title, subsisted for many years between him and Silvanus Davis, which was terminated only by his death. His widow married Stephen Cross, of Boston, for her third husband, and died in Boston in 1705.

Peter Morrell lived in King-street ; the date of the first deed to him of land here was in 1681 ; it was of a house lot from Thomas Mason ; he probably came here about that time. After his capture in 1690, his wife and children moved to Beverly, where they subsequently lived. His wife's name was Mary. Their daughter *Mary*, who married *George Tuck*, and was residing in Falmouth in 1734, in a deed of that year styles herself the only surviving child and heir of said Peter.

James Mariner probably came here from Dover : or James Marianell, whom I have supposed to be the same, as that name does not afterwards occur in our records, came from that place and purchased land on the Neck of Joseph Hodgson in 1686. He was born in 1651, and was living in Boston in 1731. Some of the same name, and probably his children, were inhabitants of the last settlement.

Dennis Morough lived at Purpooduck, where he married Jane, the eldest daughter of Sampson Penley, an ancient settler. We find trace of but one son, who bore the name of his father, and was living with him in Norwich, Conn. after the war. In 1734 the son was an inhabitant of Coventry. None of the family returned here.

Jonathan Orris was a blacksmith, and lived east of King-street. He does not appear to have left any children. His three brothers, Nathaniel of Barnstable, Experience of Braintree, and John of Boston, inherited his property.

John Parrott, a fisherman, was a settler under Danforth. No male issue survived. His eldest daughter, *Mary*, married Philip Gammon; another daughter, *Sarah*, married John Green, who lived in Newport, R. I. in 1738.

Sampson Penley was a settler before the first war, and returned on the restoration of peace. We have been unable to ascertain when and where he died. He left a widow *Rachel* and three daughters, *Jane*, married to Dennis Morough, *Dorcas* to Hugh Willcott, and *Mary* to Edward Bailey; the latter was living in Stoughton, Mass. in 1734, a widow.

James Ross, was born in Falmouth 1662; he was taken prisoner with his father's family in 1676 and again in 1690. He was a shoemaker by trade and occupied his father's farm or part of it at Back Cove; his mother was Ann the eldest daughter of George Lewis. On his return from his second captivity he resided in Salem. His father was here about 1657.

John Skillings was the son of Thomas Skillings of Back Cove, the ancestor of all of the name in this neighbourhood, who came here as early as 1651. During the first war he continued in Salem; at its close he returned and entered with zeal and activity upon the improvement of his former as well as later possessions. He was a carpenter. His principal farm was at Stroudwater where he lived, about a mile northwest of Long creek. He also had 7 acres on the Neck where Centre-street now is, which he obtained by exchange with Rev. George Burroughs in 1683, on which he had a house. His son *Samuel* born in 1677, conveyed this tract about 1732 in parcels to Wm. Cotton and others, under whom it is now held. We have it from tradition that John Skillings died before he was 40 years old, and that his widow and 4 children removed to Piscataqua. This would be about the time of the 2d Indian war, of which he may have been a victim; he was living in 1688. Samuel returned and established himself at Long creek.

Lewis and John Tucker were brothers, and lived on adjoining farms east of Presumpscot river. The children of Lewis were *Hugh* of Kittery fisherman, *Lewis* of New-Castle N. H. *Elizabeth* married to — Bragdon of Kittery, and *Grace* married to Isaac Pearce of Boston, tailor. The first Lewis was born 1643.

Ralph Turner was an ancient settler in Purpooduck, he lived on a farm of 100 acres between Long and Barberry creeks, on which in

1687, he had "a faire dwelling house and other improvements." His daughter Hannah, who married Thomas Holman a shoe-maker, was living with her husband at Rehoboth in 1729, and then styled herself "daughter and heir of Ralph Turner." He was chosen constable in 1670.

Edward Tyng came here as early as 1680, and soon after married Elizabeth a daughter of Thaddeus Clarke, and grand-daughter of George Cleeves. He was the second son of Edward Tyng, who came to this country with his brother Wm. about 1636. The time of his birth is not known, his elder brother Jonathan was born in 1642. He owned a number of pieces of valuable land on the Neck, and several houses ; on a tract of 44 acres, extending from Robinson's point to north of Main-street, and about 70 rods fronting the harbour, he had three dwelling houses in 1687, when it was surveyed under a patent from Andross ; in one of which he lived. The cellar of this house may now be seen on York-street, a little west of its entrance into State-street. In 1680 and 81, he commanded fort Loyal, was one of the counsellors or magistrates of Maine during the presidency of Mr. Danforth, and in 1686 was appointed by the king one of the counsellors of Pres. Joseph Dudley, who married his sister, and of Gov. Andross. He was appointed Lt. Col. by Andross, and had a command in the province of Sagadahock in 1688 and 89. He was afterwards commissioned as Gov. of Annapolis in N. S. and on his passage there, was captured by the French and carried to France, where he died. He had 4 children, *Edward* born 1683, *Jonathan* who died young, *Mary* married to the Rev. John Fox of Woburn', and *Elizabeth* married to a brother of Dr. Franklin. Wm. Tyng late of Gorham, who was grand-son of Edward, by his eldest son Edward, was the last survivor of the male posterity of the Tyng family, in this country. Wm's. father died in Boston Sept. 8, 1755, and his brother Edward died a bachelor, in England.

Wallis. Persons bearing this name in Falmouth, were numerous during the second settlement. The first of the name were *Nathaniel* and *John*, who were probably the ancestors of all the rest ; they were both here before the first war. Nathaniel lived at Back Cove and John on Purpooduck point ; John was one of the selectmen in

¹Lineal descendants of this connection are now among our enterprising citizens, who may trace their origin in the male line to John Fox the martyr, and in the female to Cleeves the first settler of Falmouth.

1681. In addition to these in the subsequent settlement, were *Josiah* who was born in 1662, and was living in Gloucester 1734, *Benjamin*, *Joseph*, and *James* born 1670, who were brothers, and lived at Purpooduck ; these were all sons of John—they went to Gloucester after the destruction of the town, but returned again. *Josiah's* son John was an inhabitant of Cape-Elizabeth in 1768, aged about 70 years ; a few of his descendants remain. Matthew Paulling and John Lane married daughters of John Wallis, and lived near him at Purpooduck point in 1687. The first Nathaniel was born in 1631, and was living in Beverly 1701 : he had a son *John*, whose son *John* was a resident in Sherburn Mass. in 1720.

Thomas Walter, with his wife Hannah moved here from Salem about 1682, and settled at Purpooduck. His wife was then 25 years old, having been born in 1657. In 1732, his son William then living in Boston, in a deed of his father's property in Falmouth, styled himself "his son and only heir." Wm. Walter of Boston, the late bishop, probably descended from this stock.

Samuel Webber. There were several of the name of Webber inhabiting here during the second period of our history, among whom were Samuel, Thomas and Joseph. Of the latter we only know that he had grants of land from the town as a settler. *Thomas* married Mary a sister of John Parker, a large landed proprietor on the Kennebeck, and where Thomas had lived before the first war. His family moved to Charlestown during the second war ; he left a widow and several children, one of whom was named Joseph. Mary Webber was a petitioner to Andross for a patent in 1687 of land granted her by the town six years before. *Samuel* was here as early as August 1681, when he received a grant of the mill privilege on Long creek, on which he erected the first mill which was built on that stream, and which he sold in 1685 to Silvanus Davis and John Skillings. He was a witness on the trial of George Burroughs in 1692 at Salem, and testified to his great strength. He died in York 1716, leaving a widow Deborah and 9 children, viz. Samuel, John, Thomas, Benjamin, Waitstil, Joseph, Mary wife of Joseph Sayward, Deborah and Dorcas.

There was also a family of Yorks here ; Samuel born 1678, and Benjamin born 1680, were children and living here on the destruction of the town, as appears by depositions given by them in 1759 ; but we do not know who their father was. John York was one of

the trustees of North-Yarmouth in 1684, and it is not improbable that he was their ancestor. He was living in 1685 "on land which lieth in Casco bay in North-Yarmouth, which was once possessed by John Atwell, who bought the same of Richard Bray sen. and there he inhabited till drove off by the Heathen." On the breaking up of North-Yarmouth in 1688, he probably took refuge in Falmouth.

We have not space to give a detailed account of all the settlers in Falmouth between the first and second wars, but we will now subjoin a catalogue of their names as far as we have been able to collect them. In the second war some families were probably entirely destroyed, others lost their male branches; in this way we may in part account for the fact that so few of the ancient names are found in our subsequent history.

NAMES.	RESIDENCE.
James Andrews,	<i>New-Casco.</i>
*George Adams,	"
Elisha Andrews,	"
Andrew Alger,	Son of Andrew of <i>Scarborough.</i>
Thomas Baker,	<i>Back Cove.</i>
Henry Bailey,	<i>Purpooduck.</i>
Philip Barger,	
Peter Bowdoin,	<i>Neck.</i>
Stephen Boutineau,	
Anthony Brackett,	<i>Back Cove.</i>
George Bramhall,	<i>Neck.</i>
Philip Le Bretton,	<i>Purpooduck.</i>
John Brown sen.	"
*John Branford,	
Richard Broadridge,	<i>Neck.</i>
John Brown sen.	<i>Purpooduck.</i>
George Burroughs,	<i>Neck.</i>
Joshua Brackett,	
Thomas Brown,	
Philip Carpenter,	<i>Spurwink.</i>
Thaddeus Clarke,	<i>Neck.</i>
Thomas Cloice,	"
John Corney,	"
John Culliver,	

Abraham Collins,	
*Henry Crosby,	
*Andrew Cranch,	
Ebenezer Davenport,	<i>New-Casco.</i>
Isaac Davis,	<i>Stroudwater.</i>
Lawrence Davis,	<i>Purpooduck.</i>
Jacob Davis,	"
Silvanus Davis,	<i>Neck.</i>
John Davis,	<i>Purpooduck.</i>
Joseph Daniel,	
Henry Donnell,	<i>Jewell's Island.</i>
John Durham,	
Moses Durant,	
*Philip Edes,	
John Edwards,	<i>Purpooduck.</i>
*Thomas Enow,	
George Felt,	<i>New-Casco.</i>
James Freeze,	<i>Neck.</i>
Jacob Freeze,	<i>Purpooduck.</i>
Nicholas Freeby,	
Moses Felt,	
*John Frizell,	
*John Flea,	
Elihu Gullison,	
Edmund Gale,	<i>Back Cove.</i>
Robert Greason,	<i>Presumpscot.</i>
Philip Gammon,	<i>Purpooduck.</i>
John Gustin or Augustine John,	<i>Presumpscot.</i>
John Graves,	
Robert Haines,	<i>Purpooduck.</i>
Peter Housing,	<i>Presumpscot.</i>
Henry Harwood,	<i>Neck.</i>
Philip Horman,	
John Ham,	
John Holman,	<i>Purpooduck, lived in N. Yarmo. before 1st war.</i>
Joseph Holmes,	<i>New-Casco.</i>
Joseph Hodgedon,	<i>Neck, moved to York about 1686.</i>
Francis Haines,	

John Harris,	<i>Purpooduck.</i>
George Ingersoll,	<i>Capisick.</i>
George Ingersoll jr.	"
John Ingersoll,	"
Joseph Ingersoll,	"
Samuel Ingersoll,	"
Dominicus Jordan	<i>Spurwink.</i>
Wm. Jameson,	<i>Purpooduck.</i>
Francis Jefferies,	<i>Neck.</i>
John Jones,	"
John Jordan,	Son of Rev. Robert, of <i>Spurwink.</i>
Robert Jordan,	" " "
Samuel Jordan,	" " "
Jedediah Jordan,	" " "
Jeremiah Jordan,	" " "
John Lane,	<i>Purpooduck.</i>
Isaac Larrabee,	
Joshua Lane,	<i>Back Cove.</i>
Róbert Lawrence,	<i>Neck.</i>
George Lewis,	<i>Back Cove.</i>
Philip Lewis,	"
Anthony Libbee,	Moved to <i>Portsmouth</i> about 1685, he was a carpenter and brother in law of A. Brackett.
Thomas Loveitt,	<i>Purpooduck.</i>
*Henry Langmaid	
*John Marshall,	
James Mariner,	<i>Neck.</i>
Joel Madefor sen.	<i>Purpooduck.</i>
Wm. Mansfield,	
Dennis Morough;	<i>Purpooduck.</i>
Peter Morrell,	<i>Neck.</i>
Robert Morrell,	"
Joel Madefor jr.	
Joseph Morgan,	<i>Purpooduck.</i>
Ephraim Marston,	
Robert Nichols or Nicholson,	<i>Presumpscot.</i>
Francis Nichols,	<i>Neck.</i>

John Nicholson,	<i>Neck</i> , brother in law of Geo. Ingersoll, jr.
Jonathan Orris,	<i>Neck</i> .
*Robert Oliver,	
*Thomas Paine,	
John Palmer,	<i>Neck</i> .
Thomas Page,	<i>Purpooduck</i> .
John Parrott,	"
Matthew Patten or Paullin	"
Wm. Pearce,	<i>Neck</i> .
John Peadrick,	
Thomas Peck,	<i>Back Cove</i> .
Sampson Penley,	<i>Purpooduck</i> .
David Phippen,	"
Richard Pope,	<i>Spurwink</i> .
Richard Powsland or Powsley,	<i>Capisic</i> .
Samuel Pike,	<i>New-Casco</i> .
*John Randall,	
John Rider,	
*James Randall,	
Wm. Rogers,	<i>New-Casco</i> .
James Ross,	<i>Back Cove</i> .
*Thomas Roby,	
*Job Runnells,	
Richard Seacomb,	<i>Neck and Back Cove</i> .
*Andrew Shaw,	
John Seacomb,	
*Peter Shaw,	
John Smith,	<i>Back Cove</i> .
Leonard Slew,	<i>Purpooduck</i> .
John Skillings,	<i>Stroudwater</i> .
Thomas Sparke,	<i>Spurwink</i> .
Robert Staniford,	<i>Purpooduck</i> .
Thomas Staniford,	"
John Staniford,	"
Clement Swett,	"
*Robert Shares,	
Samuel Skillings,	
Lewis Tucker,	<i>New-Casco</i> .

John Tucker,	<i>New-Casco.</i>
Ralph Turner,	<i>Purpoodyuck.</i>
Edward Tyng,	<i>Neck.</i>
*Richard Thomling,	
Nathaniel Wallis,	<i>Back Cove.</i>
John Wallis,	<i>Purpoodyuck.</i>
Josiah Wallis,	"
James Wallis,	"
Benjamin Wallis,	"
Joseph Wallis,	"
Thomas Walter,	"
Samuel Webber,	<i>Stroudwater.</i>
Thomas Webber,	
Joseph Webber,	
Michael Webber,	<i>Purpoodyuck.</i>
Zachariah White,	"
Nathaniel White,	" he left only 2 children, Mary and Dorcas, who married Nathaniel and John Danford, of Newbury.
Josiah White,	" Josiah had a daughter Meriam married Richard Suntay.
Nathaniel Wharff,	<i>New-Casco.</i>
John Wheelden,	<i>Stroudwater.</i>
Nath'l. Webber,	
James Webber,	

*Several of the above names I have met with for the first and only time in a petition to the government in 1689, which is copied entire in chapter 9th, p. 190. They are styled in the petition "inhabitants of Falmouth," and although their names are not familiar, I am bound to believe that they speak truly; the names of such are marked by an asterisk.

APPENDIX.

No. 1.

CLEEVES *v.* WINTER.

From the record of a Court held at Saco in 1640.

THE plaintiffe declareth that for ten years last past or thereabout he was lawfully seized and in peaceable possession of a certain tract of land lying within this province, knowne by the name of Spurwink the wch. lott of land of *two thousand acres* the plaint. held as his owne inheritance by virtue of a pmise made unto him by you Sr. Ferdinando Gorges, being then one of the Pattentees unto whom with the rest of the Pattentees was assigned all the land in New-England betweene forty and forty eight degrees of north latitude, with the government thereof—wch. pmise¹ was made unto me for my encouragement before my coming into this country in any place unpossessed, as is to you well knowne.

The plaint. further declareth that aboute the time aforesaid he joyneing himself in p'tenership² with Richard Tucker then of Spurwink, who had also a right of inheritance there, the wch. he bought and purchased for a valueable consideration of Richard Bradshaw, who was formerlie settled there by Capt. Walter Neale by virtue of a commission to him given by some of the lords Pattentees, and soe as appeareth the said Richard Tucker was lawfully possessed of a right of inheritance at and in the said Spurwink.

Alsoe the plaint. further declareth that he joyneing his right by pmise and possession with his pt'ner's right of purchase and possession, and soe being accountable to his said pt'ner, they both agreed to joyne their rights together, and there to build, plante and continue : wch. when the plaint. had done and was there settled for two years or thereaboutes, this defendt. Jno. Winter came and pretended an interest there by virtue of a succeeding patent surreptitiouslie obtained, and soe by force of armes expelled and thrust away the plaint. from his house, lands and goods ; all wch. the said defendt. to this day unjustly and unlawfully detaineth and keepeth contrarie to equitie and justice for wch. wrongs and injuries the plaint. in this Courte commenceth his action of trespass upon the case for the trover, and demandeth for his damage two hundred pounds starling—for all wch. the plaint. of this Courte humbly desireth, and in his Ma'ties³ name requireth a legal proceeding according to his Ma'ties lawes.

The defendt. John Winter cometh into this Courte and saith that he defendeth all the wrongs, injuries and damage where and when he ought—first he answeareth and saith that the plaint. was never lawfully seised and possessed of two thousand acres of land knowne by the name of Spurwink, nor any pte nor peell⁴ thereof

¹Promise.

²Partnership.

³Majesties.

⁴Part nor parcell.

as his owne inheritance by any lawfull grant from Sr. Ferdinando Gorges (in manner and form as the plaint. declareth) for the plaint. declaring a pmise to him made by Sr. Ferdinando Gorges nether showeth herein the year, day nor place where and when this pmise was made, nor any consideration, wch. the plaint. ought here to have declared, for by the law no man can have action lye against another upon a bare pmise, wch. said pmise the said Sr. Ferdinando Gorges doth utterly deny. And whereas the plaint. declareth that Richard Tucker had also a right of inheritance at Spurwink aforesaid by purchase from Richard Bradshaw, who was formerly settled there by Capt. Walter Neale by virtue of a commission to him given by some of the lords pattentees, and that the plaint. joyned his right wth. the right of the said Rich. Tucker his ptener there to build, plant and continue. To this the defendt. answeareth that Capt. Walter Neale had then no power from anie of the Lords pattentees to dispose of any land within this province but only in Pascattaqua. And the defendt. in answeare to the plaint. further saith that the President and Councell of New-England by their deed indented bearing date the First day of December, 1631, for the considerations therein expressed, did give, grant, allott, assigne and confirme unto Robert Trelawny and Moses Goodyear of Plimouth, marchants, their heires, associates and assignes for ever, all those lands and hereditaments with appurtances, situate, lyeinge and being alonge the sea coast eastward betweene the land formerly granted to Capt. Tho. Cammock his heires, associatts and assignes and the bay and river of Cascoe, extending and to be extended northwards into the Mayne land soe farre as the limitts and bounds of the land granted to the said Capt. Tho. Cammock as aforesaid—doe or ought to extend towards the north, wth all and singular the pmisses¹ with appurtances as by the said deede indented more at large it doth and may appeare—the said deede or writinge being under the hands of the Right honorable Robert Earle of Warwick, Edward Lord Gorges, and Sr Ferdinando Gorges, knight, in the behalfe of the whole Councell; now this defendt being an associatt to the aforesaid Robert Trelawny and principall agent for him in those partes, upon receiveing a coppie of the aforesaid deed indented wth orders for the takeing and receiveing livery and posession of the said land and pmisses, did forthwith repaire to Capt. Walter Neale, Henry Joselin, Leiftenant, and Richard Vines, gent. who were authorised and appointed by the said President and Councell to be their lawfull attorneyes or attorney, they or any of them to deliver full and peaceable possession of the pmisses, or some pte in the name of the whole, to the said Robte Trelawny and Moses Goodyear, or to their certaine attorney or attorneyes. Whereupon the aforesaid Richard Vines on the 21th day of July, 1632, and likewise againe on the 30th day of the same month, did give livery and posession of pte of the premisses in the name of the whole unto the defendt for the use of the aforesaid Robert Trelawny and Moses Goodyear according to law and the true intent and meaning of the aforesaid deed. After this that the defendt was lawfully seised of all the land mentioned in the aforesaid deed, and finding the plaint unlawfully settled at Spurwink aforesaid upon pte of the aforesaid land granted to the said Robert Trelawny and Moses Goodyear their heires, associatts and assignes by the aforesaid president and Councell for New-England and Sr Ferdinando

¹Premises.

Gorges, knight, did in a friendly manner (without force) warne the said plaint. to leave the possession of the said land at Spurwink showing him withall the contents of the aforesaid deed (and withall by order from the said Robt Trelawny did proffer the plaint. that if he pleased to become a tenant to the said Robt Trelawny on such conditions as the defendt pponded that he might still remayne there in some other pte of his land and enjoy the same accordingly, wch the plaint then refused to accept of but still continued his unlawfull clayme by virtue of a promise from Sr Ferdinando Gorges. And hereupon the defendt repaired to Capt. Walter Neale then Governor of those ptes, and required justice of him for the removeinge of the plaint out of the aforesaid possession, and to give the defendt liverie and possession thereof according to the aforesaid deed, whereupon the said Capt. Walter Neale required the plaint. to yeeld up the said possession, affirming that he had no right to that land. But soone after the plaintiff left his said possession to the defendt. And this the defendt is ready to affirme, and for the residue of the difference he humbly accepteth the power of the Courte to heare and determine their pleas of this matter, and so putteth himselfe upon the country.

The plaint. and defendt. hereupon joyne issue and put themselves upon the triall of a Jury, viz.

- | | |
|--------------------------|--------------------|
| 1. Richard Foxill, gent. | 7. Jno. Smith |
| 2. Mr. Tho. Page | 8. Jno Baker |
| 3. Mr. Francis Robinson | 9. Arnold Allin |
| 4. Mr. Willm. Cole | 10. Willm Scadlock |
| 5. Mr. Tho. Williams | 11. Henry Warwick |
| 6. Jno. West | 12. Jno. Wadly |

The Jury find for the plaint the house and land enclosed containing foure acres or thereabouts joyning wth the said house, and give him eighty pounds for damage, and twelve shillings and six pence for the cost of the Courte.

Judgment is given upon this verdict by the worsp'll Tho. Gorges, Henry Joselin, Richard Bonython and Edward Godfrey, and execution by them awarded. Mr. Rich. Vines refused to give judgment on this verdict.

No. 2.

Petition of Robert Jordan in 1648, and the proceedings thereon.

To the right honoured Alexander Rigby, President, Mr. George Cleave, Deputy President, together with the whole body of the General Assembly of the Province of Lygonia assembled this 12th day of September, 1648.—Your Petitioner, sheweth,

Whereas he hath by the order of the authority here estated, endeavoured to the utmost to accomplish the last Testament of Mr. John Winter, deceased, for the satisfying of whose legacies he hath emptied himself of his proper estate, the mostness of which the said Mr. John Winter his estate lieth in the hands of the executors of Mr. Robert Trelawny, and hath been by them detained for these many years, notwithstanding the deceased John Winter did in his life time press them for an accompt, as likewise hath your Petitioner by divers swasive letters

and the mediation of friends addressed unto them, for the pass of accompts and rectifying of former proceeds the distance of place allowing him no other means to that end ; yet still he is left without hope of any timous recovery of the said estate ; neither can he so much as receive a letter from them, but is made to know that their intentions in appearance are to deprive your Petitioner of what he hath in his hands, in common employment with them, and so to forbear all satisfaction of dues, until the heir of the said Trelawny (being now about seven or eight years old) shall come to full age, which will tend to the destruction of your Petitioner and his whole family, as also to the prejudice of this growing Commonwealth ; your Petitioner being desirous, if he could obtain his rights, to employ his estate to the furtherance of public good, from which he is now disenabled.—Your Petitioner therefore humbly craveth your serious consideration of this his desperate condition and that in your wisdoms you would either by yourselves or a committee by you appointed, take an examination of the accompts betwixt them and upon the invent thereof that you would in your care provide, that your Petitioner may have secured and sequestered unto himself and for his singular use, what he hath of the said Trelawny in his hands, or at least so much as you shall find due from him to your Petitioner. It being but a case of common aquity, that whereas you by law having engaged your Petitioner to satisfie debts and bequeathments, you should likewise see to the safeguard, and procure the dutys that should make the same satisfaction : for which legal favour your blessedness shall be prayed for by your Petitioner, Robert Jordan.

September 14th, 1648. This Petition is granted by this assembly and referred to a committee of this house, viz. Mr. George Cleave, Mr. Wm. Royall, Mr. Richard Foxwell, Mr. Hene : Watts, to be satt on ye tenth day of October next, at Richman's Island, to make Report of the state of the thing petitioned for, to this Court, at the next Sessions, under the hand of the clerk of this Assembly, Peyton Cooke.

Taken out of the original—examined and recorded this 14th August, '58.
Pr. Edw : Rishworth, Re: Cor.

A true copy from the Records of Deeds for York County, Maine, the first book, pages 57 and 58.

The Report of us Commissrs. for the business of the Plantation at Richmond's Island, as it was taken by order, the tenth day of October, and is delivered to the General Assembly, this 16 December, 1648.

1. We find by an instrument bearing date the 26 th of March, 1636, under Mr. Robert Trelawny's hand, that the full government of the plantation was by him wholly committed to Mr. John Winter.

2. We find Mr. John Winter then had one tenth part of the patent Mr. Trelawny then had or thereafter should have and that Mr. John Winter then had the tenth part of all things on the plantation and ought to have the tenth part of all the profits that should thence arise.

3. We find that Mr. John Winter had then paid his part for what had been disbursed, and was to pay from time to time, his tenth part of what should be disbursed.

4. We find that Mr. John Winter was to have out of the general forty pounds pr. annum in money and a share for his personal care and charge.

5. We find that the whole disposing of all things was committed to Mr. John Winter, which Mr. Robert Trelawny promiseth to approve of.

6. We find that Mr. Robert Trelawny acknowledgeth to have remaining in his hands one hundred and twenty pounds of Mr. John Winter's towards the payment of his 1-10 part of his disbursements, on the ship Agnis and one other ship to be sent on Michælmas following.

7. We find that Mr. Robert Trelawny promiseth to manage the business in England for the advantage of Mr. John Winter, as for his own advantage in all things.

8. We find by an accompt under the hand of Mr. Robert Trelawny, bearing date the 17th of March, 1639, that Mr. John Winter left in Mr. Robert Trelawny his hand 120 pounds as abovesaid, the profit of which said sum from the 26th day of March, to that time, being three years, did arise to the sum of one hundred twenty and five pounds 17s. 9d. so the total due to Mr. John Winter at that time was £245. 17s. 9d. out of which sum Mr. Robert Trelawny doth deduct sixty seven pounds seven shillings and eleven pence for such sums he had in the said interim disbursed for Mr. Winter his particular accompt, so Mr. Robert Trelawny doth acknowledge there was due then unto Mr. Winter for balance of accompts for all things in return £178. 9s. 10d. £178. 9s. 10d.

9. We find by a book of accompts left by Mr. John Winter under his hand, from the year 1636, to the last of June, 1639, due unto him for wages and shares for himself and servants £178. 9s. 9 1-4d. of which his tenth is £17. 16s. 11d. so his due is £160. 12s. 10 1-4d.

10. We find from the 24th of May, '36 to the 5th of June, '39, Mr. Winter did disburse for the plantations servants £4. 9s. 10d. his tenth part is nine shillings, so his due resting is, £4. 0s. 10d. so the total due to Mr. John Winter in March 1639, is £343. 3s. 6 1-4d. which said sum, according to the improvement formerly allowed by Mr. Robert Trelawny, doth and will amount from the 17th of March, 1639 to the 17th of March 1643, to above the sum of £1393. 12s. 0d. £1393. 12s. 0d.

A Report of further proceeds to be added to the former—

1. We find by letters, under the hand of Mr. Robert Trelawny, on the 20th of July 1639, the barke Richmond about thirty tons, improved likewise in the years aforesaid, was sent by Mr. John Winter for England loaden with six thousand of pipe staves, which cost here £08. 08s. 0d. per thousand, of which staves Mr. John Winter's 1-10 part is £6. 14s. 3 1-2d. and according to former improvement, doth amount unto above £26. 17s. 0d.

2. We find that the 1-10 part of the sd bark and the profit by her employment doth appertain to Mr. John Winter ever since her arrival in Eng. Sept. 1639, having been ever since solely employed by Mr. R. Trelawny, which 1-10 we estimate for her Hull, rigging, and provision at £20, and according to improvement allowed by Mr. Trelawny in former years is above £80.

3. We find by a book of acps from 1640 to the 10th of June '41 due to Mr. John Winter £117. 12s. 2d. whereof his 1-10 part is £11. 15s. 4d. so his principal is £105. 16s. 10 1-2d. and according to allowance June 10 1648 ariseth to above £320.

4. We find by a book of acps from 1641 to the last of May 1642 due to Mr. John Winter the sum of £96. 14s. 1d. whereof his 1-10 part is £9. 13. 0. so his due is £87. 1s. which May last 1648 doth arise to above £176.

5. We find by the same book due to Mr. J. Winter for the supply of the ship Hercules £47. 12s. 9d. which according to former allowance in May 1648 doth arise to above £142. 16s.

6. We find a certain quantity of goods delivered by John Winter from the plantation amounting to £63. 10s. 2d. whereof his 1-10 is £6. 13s. and according to allowance is £19. 19s.

7. We find by a book of acpts to the last of May 1643 Mr. J. Winter Dr. £31. 6s. 2d. of which 1-10 is £3. 2s. 8d. so is due to the plantation £28. 3s. 6d. toward the payt. whereof we find disbursed by Mr. J. Winter £5. 15s. 10d. of which his 1-10 is 11s. 7d. so he hath paid £5. 4s. 4d. also we find certain goods delivered from the plantation of which Mr. Winter's 1-10 is £2. 3. 1. so having paid £7. 7. 5. he is still Dr. for that year £20. 16. 1.

8. We find by a book of acps. to the last of May 1644 Mr. Winter Cr. the sum of £230. 19. 6. also for disbursements on the servants £2. 19. 3. so the whole is £233. 18. 9.—(9.) We find Mr. Winter Dr. the same year £76. 17. of which his 1-10 is £7. 13. 8. so is due to the plantation £69. 3. (10.) We find that Mr. Winter is Dr. for the years 1644 and 45 the sum of £488. 16. 7. for which his 1-10 is £48. 17. 8. so there resteth £439. 18. 11. (11.) We find Mr. Winter is Cr. in the same book £409. 11. 8. of which his 1-10 is £40. 19. 1 1-2. so there is due to Mr. Winter £360. 12. 6 1-2. so on the balance of these years there is due to Mr. Winter the sum of £64. 13. 3 1-2. which according to former allowance from the last of May 1644 to the last of May 1648 did arise to above £150. 17. 8. (12.) We find by a letter from Mr. John Trelawny one of the Ex'rs, that Mr. Robert Trelawny gave to Mr. J. Winter the sum of £12. in legacy, so the total since 1639 is £1393. 12. 0.

A report of what we find by letters that Mr. R. Trelawny hath disbursed for Mr. J. Winter on his own particular acp. 1. We find by an invoice Mr. Trelawny disbursed £25. 5. 0. in the year 1642 and is according to allowance £72. 5. 0. (2.) We find by letters £3. paid to Mary Hooper by his order 1643 and is £8. (3.) We find £15. pd by letters to Mary Hooper 1644 and is £35. (4.) We find by invoice sent by Mr. Trelawny his Ex'r in the year 1644 £16. 0. 6. Portugal money worse by £17. in the hundred than our English and according to allowance may be about £34. (5.) A bill of Exch. pd. by Mr. John Holland £10. and is by allowance about £20.

According to this Report Mr. John Winter is Cr. £2322. 1. 8

and “ “ “ “ Dr. 168. 5.

£2153. 16. 0. remaining.

A Report of what we find Mr. Trelawny hath had sent unto him by Mr. J. Winter since the year 1639. (1.) We find Mr. J. Winter hath sent unto him in several ships in fish merchantable and refuse 3056 1-2 quint. 2nd of Core fish 38 1-2 quint. Train Oil 11 hhd. fish peas 23 1-2 which fish peas and train according to price here cannot amount to less than £2292.—Also we find he hath had Mr. Winter's 1-10 of the bark *Richmond* ever since her departure in 1639, also he hath recd the whole voyage made by the *Hercules* in 1641.—Also he hath recd the whole voyage made by the *Margery* in 1642, also he hath recd the whole voyage made by the ship *Hercules* in 1643. Also he hath had the whole employment of the ship *Richmond* and recd to himself all her several voyages in all which Mr. J. Winter ought to have his part according to his interest, but hath not recd. Besides his other adventures which his stock of money in Mr. Trelawny's hand, would and haply did carry on to profit, at least wise Mr. Trelawny did engage to turn all to advantage as for himself; Also we find there is due to Mr. John Winter the 1-10 part of the ship *Richmond*, which in the former acp. is not valued because not belonging to the petitioner only her employment from 1641 to 1645 belongeth to the petitioner and is to be added to the above acp. as in discretion it may be valued. We also find that by letters Mr. Winter desired a pass of acps. but it doth not appear that any hath been sent only a promise from Mr. John Trelawny that they shall be sent when the peace of England is settled.

The acp. of Robert Jordan since his attorneyship deputed by J. Winter May 20 1645.

The plantation Cr. from 1645 to June 1, 1646 £241. 18. 10. whereof the 1-10 is £24. 3. 11. so there resteth £217. 14. 11. The plantation Cr. from 1645, to Oct. 1, 1648, £924. 3. 8. 1-10 whereof is 92. 8. 4 1-2. so there rests £832. 15. 3 1-2. The plantation Cr. for goods sent on particular acp. £192. 4. 5. The plantation Cr. for goods in general £60. 3. whereof 1-10th is £6. 3. 0 1-2. The plantation Cr. for pd by bill of Exch. £30. £1275. 17. 8.

Contra debitor. From 1645 to June 1646, £248. 18. 8. 1-10th is £24. 18. so there is resting £224. 0. 0. 1646 to Oct. 10, 1648, plantation Dr. £1152. 9. 3. of which 1-10th is £115. 4. 11 1-4. so there rests £1037. 4. 3 3-4. In 1645 I sent to Bilboa on the plantation acp 140 quint. merchantable fish, my 1-10th being 14 quint. £14.—total Dr. £1275. 4. 3 1-2. so it appears I remain Dr. to the plantation £3. 13. 4 1-4. which you shall find added to the inventory.—This writing was attested to by the oaths of George Cleeve and Henry Watts, July 16, 1658, before us Saml. Symonds, Thos. Wiggins, Nich. Shapleigh, Ed. Rishworth.

Inventory of the property belonging to Trelawny's plantation.

A true inventory of all the goods cattle and chattels that now are on the plantation at Richmond island and Spurwink in joint ownership between Mr. Robert Trelawny mercht. decd and Mr. John Winter decd, taken by com'n this 10th Oct.

A. D. 1648 and by us approved according to our knowledge and conscience.

Imp. The land is left in suspense for want of appearance of any right Mr. Trelawny hath in it, only the court to adjudge how long the petitioner shall retain the possession.

To the housing and several buildings on the island and at Sperwink we value to be worth £80. " 3 boats in use with their moorings and appurt. £28. " 2 old boats out of use at £2. " 3 pieces of ordnance with a small number of shot, their spunges worm and ladles £50. " 4 muskets, 3 halberts, 5 long pikes, 3 old fowling peices out of all order and " 4 old swords £3. 10. 1 murderre and 2 chambers £1. 10. " The ministers bedding, the communion vessels, one cushion, one table cloth, 1 1-2 pint pot £4. 1 old skiff, 1 old canoe £1. The stage with a quantity of old cask £10. 6. 1 old adze with 3 old axes 5s. 6 old hoes 1 old drawing knife 2s. 6 doz hooks at 16s. 5 doz lines at £7. 3 lbs. twine 4s. 6d. 1 doz and 4 Newfoundland lines £1. 6 lb. match £1. 0. 6. 2 whip saws 1 thwart saw, 1 old thwart saw 11s.

1 old drum,	5s.		
4 beetle rings, 5 iron wedges, 1 old Fins hook,	8		
2 bill hooks, 7 reap hooks whole and broken,	10		
3 balls 2 iron bars, 1 of them broken,	10		
2 grinding stones, 1 trowell,	5 6d.		
1 old pick ax, 1 tining lanthorn, 3 peices of lanthorn,	3 6		
2 pitch forks for hay,	1 6		
2 shovels and 1 spade,	10		
1 old mill out of all use,	£1		
1 old bozier, at	1		
1 brewing kettle, 1 old kettle, 1 French kettle, 1 iron kettle, and 2 iron pots, 1 pitch pot,	£6	—	£201 1s.
	£	s.	d.
2 trifoots, 2 iron pothangers, 1 pair of pot hooks,		0	15 0
1 old chamber pot, 2 tin platters, 1 tin bason, and 1 qt. pot,		0	6 6
1 water bucket and a cowle,		0	2 6
1 pair of tongs, 5 milk pails, 1 water bucket, 2 bowls, 3 wooden platters, 1 churn and 12 milk pans,		1	4 6
5 chests, 25 lbs Lead, 1 pr steelyards, 1 pr scales, 3 coulter and 4 shares out of use		2	19 0
2 old wheelbarrows, 16 white hats moth eaten, 1 old flagg, some small earthen ware and 40 lbs hoops			14 0
4 cows		20	0 0
12 calves whereof one is since dead		13	10 0
18 goats young and old		4	10 0
about 20 bushels of meal,		4	10 0
4 hundred of 2s nails		0	8 0
a small quantity of musty peas		0	10 0
1-4 of cwt of bread		0	5 3
4 cwt of beef		4	10 0
21 cheeses		1	15 0
160 lbs of butter		4	0 0
1 seine and 2 old nets		4	10 0
7 pickaxes and 4 trows		0	18 0

6 old bags	0	6	0
22 lbs soap	0	12	0
24 pigs on the island young and old	18	0	0
about 90 hhds salt	65	10	0
2 bushels malt	0	10	0
about 30 lbs cannon powder	1	10	0
10 fishing leads	0	5	0
1 lock and key, 2 splitters and 5 gutters	0	9	6
	153	19	0

Goods at Spurwink to be added.

13 cows	64	0	0
6 yearlings	13	0	0
5 oxen for the yoke	40	0	0
1 bull	9	5	0
5 bullocks,	32	0	0
4 steers £20, 3 heifers 9	29	0	0
5 steers	20	0	0
16 pigs of two years and vantage	28	0	0
7 pigs of 1 year old	3	10	0
3 boars cut this spring,	2	10	0
2 sucking pigs	0	5	0
	232	10	0
to be further added 1 kettle	2	0	0

2 tubs, 5 milk pans, 2 cheese fats, 1 post and hanger, 1 hand saw,			
1 pickax, 2 old boziers, 6 old scythes	1	4	0
1 hargibus, 1 fowling piece, a quantity of old iron, pr. of wheels	3	0	0
6 harrow tines, 2 plow chains, 1 dung pot, 6 yokes, 1 pot hanger,			
1 old hoe, 2 wooden platters and 1 old lanthorne	1	4	6
	7	8	6

So the general total is

594 1 3

the tenth whereoff is

59 8 1 1-2

which being deducted there resteth to Mr. Trelawny and is at
your disposal

534 13 1 1-2

the crop of corn, peas, barley and wheat which we estimate at

53 0 0

the 1-10 whereoff is

5 6 0

So the total is

582 7 0

An act. added by Robt. Jordan since this inventory was taken the 10th
Oct. 1648. Plantation is Cr.

due to the plantation 133 quint. of fish sold to Mr. Hill, but not yet
paid

84 15 9

whereof the 1-10 is

8 9 6 1-2

so there rests due to Mr. Trelawny	72	10	5	1-2
2-3 of 2 hhds of train oil	3	10	0	
2 1-2 hhds of mackerel	6	0	0	
	82	0	5	1-2

An account added by Robt Jordan.

The plantation is Dr. for his charge 1-2 a year	20	0	0	
for his ministry as by composition 1-2 a year	10	0	0	
for his 1-10 part of train and mackerel	0	19	0	
his share of mackerel and train	0	5	0	
For his share of fish	5	0	0	
For his wages to Roger Satterley	3	0	0	
For his wages to Jerh Humphrey	1	10	0	
277 lbs of beef spent since the account in attending on the fish before it was delivered	3	9	3	
16 bushels of meal	3	4	0	
3 goats	1	0	0	
for 1-3 part of this year's portage,	20	0	0	
whereof his 1-10 is £2				
for extraordinaries in shipping of men and entertaining the merch	2	0	0	
	69	15	3	

the 1-10 £6 19 6 1-4 resting for Mr. Trelawny 62 15 8 3-5

Mr. Trelawny is Cr.	82	0	5	1-2
“ “ Dr.	62	4	8	1-2

Bal.	19	4	8	1-2
	582	7	1	

The total is 601 11 9 1-4

By so much owing by me Robt. Jordan on former acct. as doth appear	3	13	4	1-4
	605	5	1	1-2

So the whole, proper to Mr. Robt Trelawny according to valuation doth amount unto £605 5 1 1-2—whereas there is an error in the first of the acct. taken since the inventory it being defective £3 15 9 is here added as due to Mr. Trelawny.

Praised by us Geo. Cleaves. Wm. Ryall, Hen. Watts.

DECREE.

December 18, 1648. Whereas there was a petition presented to ye General Assembly of the province of Lygonia, holden in Casco Bay, the 12th day of September, in the year 1648, by Robert Jordan, gent. against the executors of Mr. Robert Trelawny, merch. deceased, for relief from said executors for a debt due unto Mr. Jno. Winter, decd. to whose last will the said petitioner standeth execr.

Upon the petition, the whole assembly referred the examination of the state of the cause unto a com'tee. of the said assembly, namely, to George Cleve, gent. deputy presidt. to Mr. William Royall, Mr. Henry Watts and Mr. Richard Foxwell, and upon the said Committee's report, in the General Assembly this present 18th day of December, 1648, It is ordered, that it shall be lawful for the said petitioner Robert Jordan, his heirs, execrs. adminrs. and assigns, to retain, occupy to his and their proper use and profit, to convert all the goods, lands, cattle and chattles belonging to Robt Trelawny, decd. within this province, from this day forward and forever, against any claim or demand whatsoever, by what party or parties soever, unless the execrs. of the sd. Robert Trelawny shall redeem and release them by the consent and allowance of the sd. Robert Jordan, his heirs, execrs. adminrs. and assigns—which sd. order is enacted for and towards the party's satisfaction of a debt due to the said Robert Jordan, and is in lieu and valuation of 609 0 10 1-2—six hundred and nine pounds 10 1-2*d.*—only ye remainder of this debt being left by us recuverable by any just course of law, according to conveniency. Subscribed by

GEORGE CLEVES, deputy president,
 WILLIAM ROYALL, HENRY WATTS,
 JOHN COSSONS ✕ his mark,
 PETER HILL ✕ his mark, ROBT. BOOTH.

Vera copia—pr. me, Peyton Cooke.

July 16, Anno Domini 1658—attested before us Commissrs. of ye General Court of the Massachusetts Governmt. in New-England, since the change of the government by George Cleves aforesaid, then deputy president, and Henry Watts, being taken upon their several oaths ye day and year last above written.

THO: WIGGIN, EDWD. RISHWORTH,
 SAMUEL SYMONDS, NICHOLAS SHAPLEIGH.

Vera copia taken out of the original, and examined this 20th day of August, 1658. Pr. Edw. Rishworth, Re. Cor.

No. 3.

Copy of a judgment—CLEEVES v. WINTER.

Saco in the Province of Mayne....At a Court holden here the Eighth day of September 1640, before the Worshipfull Thomas Gorges, Richard Vines, Richard Bonython, Hen: Joselin and Edward Godfrey Esquires, Councillors of this Province.

The Declaration of Geo: Cleeves Gent. Plant. against Mr. Jno. Winter Defendt.

The Plt. Declareth that he now is and hath been for these seven years and upwards Possessed of a Tract of Land in Casco Bay known first by the name of Machigonney, being a Neck of Land which was in no man's Possession or occupation and therefore the Plt. seised on it for his own inheritance by virtue of a Royal Proclamation of our late sovereign lord King James of Blessed Memory by which he freely gave unto every subject of his which should Transport himself over into this Country upon his own charge for himself and for every Person that he should

soe Transport one Hundred and fifty acres of Land which Proclamation standeth still in force to this Day by which right the Plt held and enjoyed it for the space of four years together without Molestation, Interruption or Demand of any and at the end of the said first four years the Plaintiff Desireous to enlarge his limitts in a lawfull way addressed himself to Sr fferdinando Gorges the Proprietor of this Province and obtained for a sum of money and other considerations a Warrantable Lease of Enlargement bounded as by relation thereunto had doth and may, appear. The Plt. further Declareth that the Deft. John Winter after all this and four years Peaceable Possession without any Demand or title Pretended being moved with envie and for some other sinister cause hath now for these three years Past and still doth unjustly pretend an interest and thereupon hath and Doth still interrupt me to my great hindrance thereby seeking my ruin and utter overthrow for all which the Plt. in this Court commenceth his action of Interruption and requireth a Virdict from a Jury of Twelve honest and Indifferent men for the continuance of his Peaceable Possession for time to come and also three Hundred Pounds Sterling for his Damage to be paid him by the Deft for his wrongfull Interruption, and for all this the Plt. humbly Desireth of this Court and in his Majesty's Name requireth a legal proceeding according to the Law.

The answer of John Winter Defendant.

The Deft. John Winter cometh into this Court and saith that he Defendeth all the wrongs Interruptions and Damage where and when he ought ; first he saith that the Plt. was never lawfully Possessed of that Tract of Land in Casco Bay which he calleth by the name of Machigonny but hath unjustly and contrary to the Law of our sovereign lord the King held the same as the Deft. hereafter shall make it appear and whereas the Plf. claimes the Inheritance of the said land mentioned in his Declaration by Virtue of a proclamation of our late sovereign Lord King James of blessed memory which Proclamation he saith standeth still in force and further he Declares that being Desireous to enlarge his limitts in a lawfull way addressed himself to Sr fferdinando Gorges the Proprietor of this Province and obtained for a sum of money and other Considerations a warrantable lease of enlargement, to this the Deft. answereth that he denyeth that then there was or is any such Proclamation now in force, neither hath the Plt. any Warrantable lease from Sr fferdinando Gorges for it will evidently appear that the aforesaid Land was formerly Granted by some of the Lords Pattentees and Sr fferdinando Gorges unto Robert Trelawny and Moses Goodyear of Plymouth and livery and seisen thereof given to the Deft. to the use of the aforesaid Robert Trelawny and Moses Goodyear, and that the Plf. cunningly and Fraudulently by false Information obtained the aforesaid lease from the said Sr fferdinando Gorges who did not know that any parte or portion of the said Robert Trelawny and Moses Goodyear's Grant was called by the Name of Machigonny neither hath the Plf. given any Consideration for the same. But the said Sr fferdinando Gorges finding himself much abused by the Plts. wrong information hath Given Express order by his Letter Directed to Richard Vines his Steward General for this Province to put this Deft. in Possession of the said Land which the said Richard Vines bath done accordingly as the Def.

is ready to prove, and the Deft saith further in answer to the Plf. that the President and Councill of New-England, and Sr Ferdinand Gorges Knight by their Deed Indented bearing Date the first day of December 1631, for the Considerations therein expressed did Give, Grant, Allot, Assign and Confirm unto Robert Trelawny and Moses Goodyear of Plymouth Merchants their heirs Associates and Assigns for ever all those Lands and heriditaments with appurtenances situate Lying and being along the sea coast eastward between the land formerly Granted to Capt. Thomas Cammock and the Bay and River of Casco extending and to be extended Northwards into the Main lands so far as the Limitts and bounds of the Lands Granted to the said Capt. Thomas Cammock as aforesaid doe and ought to extend towards the north with all and singular the Premisses with appurtenances as by the said Deed more at Large it doth and may appear Now this Deft being an associate to the aforesaid Robert Trelawny and haveing receeved order from him for the Dispossession of the Plf of that parte of his Land did often Treatate with the Plf in a friendly manner to have him yeald up the Possession of the said Lands Proffering him that he should be a tenant there if he Pleased on such Conditions as the Deft Propounded otherwise if he would Depart Quietly he would give him some Consideration for what he had done upon the said lands otherwise he would give him nothing, but the Plf accepting none of these Proffers unjustly continues his clame and Possession to the Great Damage of the Deft. and all this the Deft is ready to affirm and for the residue of the Defferance he humbly accepteth the Power of the Court to here and Determine their please of this matter and so putteth himself upon the Country.

The Plt. and Deft. hereupon Joyne Issue and put themselves upon the Trial of this Jury, viz.

- | | | |
|--------------------------|-------------------------|----------------------|
| 1. Henry Bode, Gent. | 5. Mr. Richard ffoxill | 9. Capt Tho: Cammock |
| 2. Arthur Mackworh Gent. | 6. Mr. ffancis Robinson | 10. Jno. Baker |
| 3. Willm Cole Gent. | 7. Jno. Smith | 11. Arnole Allin |
| 4. Mr. Tho: Page | 8. Jno. West | 12. Thomas Withers |

The Jury find for the Plts. the title of Land according to his Deede, and give him twelve pence for his Damage and twelve shillings and six pence for the cost of the Court.

Judgment is given upon this Verdict by the whole bench and Execution by them awarded.

No. 4.

This Indenture made the twenty seventh day of January in the twelfth year of the reign of our Soverign Lord Charles by the Grace of God King of England Scotland France and Ireland, Defender of the Faith, &c.

Between Sir Ferdinando Gorges of Ashton Phillipes in the County of Somersett, Knight, of the one party and George Cleeve of Casco in the Province of New-Somersett in New-England in America Esquire and Richard Tucker of Casco

aforesaid of the said Province of New Somersett in New-England in America gent. of the other party witnesseth that the said Sir Ferdinando Gorges for and in consideration of the sum of one hundred pounds of good and lawful money of England to him in hand paid before the ensealing and delivery of these presents as also for divers other good causes and considerations him the said Sir Ferdinando Gorges hereunto especially moving hath given granted bargained sold and confirmed unto the said George Cleeve and Richard Tucker their heirs and assigns—all that part purpart and portion of lands in America parcell of New-England in America hereafter in these presents described and to be described by the limits and bounds thereof that is to say all that part purpart and portion of lands beginning at the furthestmost point of a neck of land called by the Indians Machegonne and now and forever from henceforth to be called or known by the name of Stogummor and so along the same westerly as it tendeth to the first fall of a little river issuing out of a very small pond and from thence over land to the falls of Pesumsca being the first falls in that river upon a strait line containing by estimation from fall to fall as aforesaid near about an English mile which together with the said neck of land that the said George Cleeve and the said Richard Tucker have planted for divers years already expired, is estimated in the whole to be fifteen hundred acres or thereabouts, as also one island adjacent to the said premises and now in the tenor or occupation of the said George Cleeve and Richard Tucker commonly called or known by the name of Hogg Island, which said premises with their appurtenances are not already possessed or passed to any other person or persons whatsoever but now granted by me and this my special order for confirmation thereof under my hand and seal, all which premises now are and hereafter shall be deemed reputed and taken to be parts parcels and members of the Province of New-Somersettshire in New-England aforesaid, and also the said Sir Ferdinando Gorges for the considerations aforesaid hath given granted bargained sold and confirmed and by these presents doth give grant bargain sell and confirm unto the said George Cleeve and the said Richard Tucker their heirs and assigns, together with the said portion of lands and premises all the soils grounds woods and underwoods havens ports rivers waters lakes fishings, fowlings mines and minerals as well royal mines of gold and silver as other mines and minerals precious stones quarries and all and singular other commodities jurisdictions royalties privileges franchises and preeminences whatsoever within the said tract of lands and premises or within any part or parcel thereof. Saving excepting and reserving only out of this present grant the first part of all the ore of gold and silver found and to be found in or upon the premises or any part or parcel thereof due unto his majesty his heirs and successors and now or at any other time hereafter reserved or to be reserved. To have and to hold all and singular the said part purpart, and portion of lands and all other the premises herein mentioned to be bargained sold or granted with their and every of their appurtenances unto the said George Cleeve and Richard Tucker their heirs and assigns to the only and proper use and behoof of them the said George Cleeve and Richard Tucker their heirs and assigns to the end and full term of two thousand years fully to be complete and ended, to be holden of the said Sir Ferdinando Gorges and his heirs Lord or Lords of the said Province of

New Somersetshire as of his or their mannor of Williton and free mannors in free and common soccage by fealty only for all manner of services, and the yearly rent of two shillings the hundred for every hundred acres thereof be it in wood meadowing pasture or tillage. The same to be levied by distress or otherwise according to the laws and customs of the realm of England used and approved within the same for tenants of like nature ; and the said Sir Ferdinando Gorges for himself his heirs and assigns doth covenant promise and grant to and with the said George Cleeve and Richard Tucker their heirs and assigns by these presents that he the said Sir Ferdinando Gorges his heirs and assigns shall and will from time to time and at all times hereafter do make acknowledge execute and suffer, or cause to be done made acknowledged executed and suffered all and every such further and other reasonable act and acts thing and things devise and devises in the law for the further and better assurance and sure making of all and singular the said lands and other the said premises with their and every of their appurtenances unto the said George Cleeve and the said Richard Tucker their heirs and assigns as by his and their counsell learned in the laws shall be reasonably devised advised or required and lastly the said Sir Ferdinando Gorges hath constituted ordained and appointed, and by these presents doth constitute ordain and appoint his trusty and well beloved Isaache Allerton and Arthur Mackworth gentlemen his true and lawful attorney and attornies jointly or severally for him and in his name to enter into the said lands and other the said bargained premises or into any part or parcel thereof in the name of the whole and thereof to take full and peaceable possession and seizen, and after such possession and seizen so had and taken then for him and in his name to deliver full and peaceable possession and seizen of the same lands and premises unto the said George Cleeve and Richard Tucker their heirs and assigns according to the tenour effect and true meaning of these presents. In witness whereof the said parties to these present indentures interchangeably have set their hands and seals. Dated the day and year first herein abovewritten Annoque Domini 1636.

FERD. GORGES.

Sealed signed and delivered } William Withington
in the presence of } John Winnington

Memo:andum that I Arthur Mackworth gent. have taken and delivered possession and seizen unto George Gleeve Esq. and Richard Tucker gent. according to the order within prescribed. In witness whereof I have here unto set my hand this eight day of June 1637.

ARTHUR MACKWORTH.

In the presence of Thomas Lewis,
John Lukeford, Geo. Frost.

This is a true copy of the original deed examined and recorded the 24th day of May—by me,

ROGER GARD, Recorder.

No. 5.

From John Jocelyn's *Voyages*^r.

"Towns there are not many in this province. *Kittery* situated not far from *Pascataway* is the most populous.

Next to that eastward is seated by a river near the sea *Gorgiana*, a majoraltie and the metropolitan of the province. Further to the eastward is the town of *Wells*. *Cape Porpus* eastward of that, where there is a town of the same name, the houses scatteringly built, all these towns have store of salt and fresh marsh with arable land, and all well stocked with cattle. About 8 or nine miles to the Eastward of *Cape Porpus* is *Winter harbour*, a noted place for fishers, here they have many stages. *Saco* adjoins to this, and both make one scattering town of large extent, well stored with cattle, arable land and marshes and a saw mill. Six miles to the eastward of *Saco* and 40 miles from *Georgiana* is seated the town of *black point*, consisting of about 50 dwelling houses, and a magazine or *doganne* scatteringly built, they have store of neat and horses, of sheep near upon 7 or 800, much arable and marsh salt and fresh and a corn-mill. To the southward of the *point* (upon which are stages for fishermen) lie two small islands; beyond the point, North eastward runs the river of *Spurwink*. p. 200.

p. 201. Four miles from *black point*, one mile from *Spurwink* river eastward lyeth *Richmond's island*, whose long. is $317^{\circ} 30''$ and lat. $43^{\circ} 34'$, it is 3 miles in circumference and hath a passable and gravelly ford on the North side, between the main and the sea at low water, here are found excellent whetstones and here likewise are stages for fishermen. Nine miles eastward of *Black point* lieth scatteringly the town of *Casco* upon a large bay, stored with cattle, sheep, swine, abundance of marsh and arable land, a corn-mill or two, with stages for fishermen. Further eastward is the town of *Kennebec* seated upon the river. Further yet eastward is *Sagadehock*, where there are many houses scattering and all along stages for fishermen, these two are stored with cattle and corn lands.

p. 202. 12 miles from *Casco bay*, and passable for men and horses, is a lake called by the indians *Sebug* on the brink thereof at one end is the famous rock shaped like a *moose deer* or *helk*, *diaphanous*, and called the *moose rock*. Here are found stones like *chrystals* and *lapis specularis* or *muscovia glass* both white and purple.

p. 205. From *Sagadehock* to *Nova Scotia* is called the *Duke of York's province*, here *Pemaquid*, *Montinicus*, *Mohegan*, *Capeanawhagen*, where *Capt. Smith* fisht for whales; *Muscataquid* all filled with dwelling houses and stages for fishermen and have plenty of cattle, arable land and marshes.

p. 207. The people in the *Province of Maine* may be divided into magistrates, husbandmen or planters, and fishermen; of the magistrates some be royalists, the rest perverse spirits, the like are the planters and fishers, of which some be planters and fishers both, others meer fishers.

Handicraftsmen there are but few, the tumelor or cooper, smiths and carpenters

^rThe period to which this narrative relates is 1670: *Jocelyn* returned to England in 1671.

are best welcome amongst them, shopkeepers there are none, being supplied by the Massachusetts merchants with all things they stand in need of. English shoes are sold for 8 or 9 shils. a pair, worsted stockings of 3s. 6d. for 7 and 8s. a pair, Douglass that is sold in England for 1 or 2 and 20 pence an ell, for 4s. a yard, serges of 2 or 3s. a yard for 6 and 7 shillings.

p. 208. They have a custom of taking tobacco, sleeping at noon, sitting long at meals sometimes four times a day, and now and then drinking a dram of the bottle extraordinarily * *. They feed generally upon as good flesh, beef, pork, mutton, fowl, and fish as any in the world besides. Their servants which are for the most part English, will not work under a half a crown a day, when they are out of their time, although it be for to make hay, and for less I do not see how they can, by reason of the dearness of clothing. If they hire them by the year they pay them 14 or £15 at the years end in corn, cattle and fish; some of these prove excellent fowlers, bringing in as many as will maintain their master's house; besides the profit that accrues by their feathers.

p. 210. The fishermen take yearly upon the coast many hundred kentals of cod, hake, haddock, polluck, &c. &c. which they split, salt and dry at their stages, making three voyages in a year. When they share their fish, which is at the end of every voyage, they separate the best from the worst, which is known when it is clear like a lanthorn horn and without spots; the second sort they call refuse fish, that is such as is salt burnt, spotted, rotten and carelessly ordered; these they put off to the Massachusetts merchants; the merchantable for 30 and 32 reals a kental (112 pounds) the refuse for 9 and 10s. the quintal. The merchants send the merchantable fish to Lisbon, Bilbo, Burdeaux, Marsiles, Talloon, Rochel, Roan, and other cities of France, to the Canaries with claw board and pipe staves, which is there and at the Charibs a prime commodity; the refuse fish they put off at the Charib islands, Barbadoes, Jamaica, &c. who feed their Negros with it.

p. 211. To every shallop belong four fishermen, a master or steersman, a Midshipman, and a foremast man and a shore man, who washes it out of the salt and dries it upon bundles and tends their cookery.

These often get in one voyage 8 or £9 a man, but it doth some of them little good, for the merchant to increase his gain by putting off his commodity in the midst of their voyages, and at the end thereof comes in with a walking tavern, a bark laden with the legitimate blood of the rich grape which they bring from Phial, Madera, Canaries, with brandy, rum, the Barbadoes strong water and tobacco, coming a shore he gives them a taster or two, which so charms them, that for no persuasions will they go to sea, although fair and seasonable weather for 2 or 3 days, nay sometimes a whole week, till they are wearied with drinking, taking a shore 2 or 3 hhds. of wine and rum to drink when the merchant is gone.

They often have to run in debt for their necessaries on account of the lavish expense for drink and are constrained to mortgage their plantations if they have any, and the merchant when the time is expired is sure to turn them out of house and home, seizing their plantations and cattle, poor creatures, to look out for a new habitation in some remote place, where they begin the world again. p. 212.

Of the same nature are the people in the Duke's province, who not long before I left the country petitioned Mass. to take them into their government. p. 212.

No. 6.*Robert Jordan's Will.*

IN THE NAME OF GOD, AMEN.

I Robert Jordan, senior, gentlem : formerly of Spurwink, and now resident on the Great Island in the township of Portsmouth, in New-England, being weak of Body, but of sound and perfect memory, prayed be God,—Do make, ordayne, and declare this present writing to be and remayne my last, undoubted Will and Testament, in manner and forme following :

Imps. I bequeath my soule to God, hoping by the meritts of Christ my Saviour, to enjoy eternal life, and my body to ye earth to bee decently buried—And what temporall things I am blessed with, all by ye providence of Almighty God, I give and bequeath as followeth :

Item—I do hereby ratify, allow and confirme two deeds or writings, which I formerly made and gave under my hand and seale, one to my eldest sonn John Jordan, and another to my second sonn Robert Jordan, according to the contents y'rin exprest.

Item—I give and grant to my wife Saraih Jordan, now living, the ould plantation at Spurwinke, containing one thousand acres, bee it more or less, beginning wt the grant belonging to my sonn John Jordan doth one and ending where the lott bequeathed by this my will to my 3d sonn Dominicus Jordan doth begine, and soe along the highway untill you come to the Greate Pond ; for and during the terme of her natural life ; the reversion and inheretance y'rof to bee and remaine unto my youngest sonn Jeremiah Jordan, his heyers and successors forever, as his part and portion.

Item—I give and bequeath unto my sayd wife Saraih Jordan, one other farme, called Nonnsuch, containing two thousand acres, be it more or less, for and during her naturall life ; and for ye more strict obleighing my children's duty to her, my will is that shee wholly and absolutely dispose the succession and inheritance thereof, to either or any of my sonns, they or their or any of their heyres, or issue, lawfully by them or any of them begotten, forever.

Item—I give and bequeath unto my sonn Dominicus Jordan, one thousand acres of land, at Spurwinke, to begin where the abovesd ould plantation endeth, as hee shall make choyce of, to be layd out by the onereferees hereafter nominated.

Item—I give and bequeath unto my sonn Jedediah Jordan, one thousand creas of my land, at Spurwinke aforesaid, to bee chosen by him out of my land not disposed before, to bee to the use of him and his heyres, forever.

Item—I give and bequeath unto my sonn Samuel Jordan, by reason of his posterity's choyce of eleaven hundred acres of land of my sayd land at Spurwinke, to bee to the use of him and his heyres, forever ; and what part or pcell of land remaines not bequeathed nor given of my sayd lands, at Spurwinke, by any or all of the above rescited and expressed articles, I do hereby give and bequeath the same, being uplands, unto my sonns above named, to be divided and equally allotted amongst them.

Item—My will is that my meddow, bordering along by the river Spurwinke, bee equally divided to each portion of the above given lands, nearest and most conveniently adjoyning to each precell or portion as is above disposed.

Item—I give and bequeath unto my foure youngest sonns, namely, Dominicus, Jedediah, Samuel and Jeremiah Jordan, to each of them one feather bedd and bowlsters.

Item—I make and ordayne my sayd wife Saraih, and my too sonns John and Robert Jordan, to be my joynt executors.

I make and hereby ordayne Major Nicho. Shapleigh of Kittery, Mr. Nath'l Fryer and Mr. William Bickham, merchants, to bee onereferees and to end all differences in any matters arising, by means of my not fully expressing mysele in this my last will and testament, between my legatees and the executors hereof, and to settle all things according to their best judgments, and nearest intent of this my will that noe further or future differences may arise.

Lastly—My will and intent is, that each and every of my afore-mentioned sonns, their heyres and successors, shall have and enjoy all and singular the aforesayd prescribed grants, gyfts and legacies ; and if any or either of them want naturall issue, that then that legacy shall redown and bee equally divided amongst the rest.

Great Island, 23th of January 1673 : Mr. Robert Jordan senior, acknowledged this within written, to bee his last Will and Testament, and was at the same tyme of a sound mind and pfect memory, but haveing lost the use of his hands could not signe and seale the same ; and owned alsoe Mr. Nathl Fryer to bee one of his onereferees, who is interlined above. This owned before mee,

ELYAS STYLEMAN, Comissioner.

This will was exhibited in Court, July 1, '79, by Mr. Nathl Fryer under the attestation annexed, and is allowed to bee recorded.

Jos. DUDLEY, assistant.

Very copia of this Will and Testament above written, transcribed and compared with originall, this 7th day of July, one thousand six hundred seaventy nine, and pr. ye County Court allowed, as attests.

EDW. RISHWORTH, R. C.

No. 7.

Copy of a deed from Indian Sagamores to George Munjoy—June 4, 1666.

“Be it known unto all men by these presents that Wee Nunateconett and War-rabitta alias Jhone of Casco Bay do acknowledge to have Received of George Munjoy on Great Rogg to the value of three Skings which we acknowledge ourselves fully satisfied for in consideration of which we do by these presents assigne sell and make over unto Georg Munjoy of the same Bay a tract or parcel of Land by the Bounds hereafter mentioned, which is to begin on the other side of Amancongong River at the great falls the uppermost part of them called Sacarabigg and

so down the river side unto the lowermost planting ground, the lowermost part thereof, and so from each aforesaid bounds to go directly into the woods so far as said Munjoy will, not exceeding one mile, with all the woods and priveleges thereunto belonging : To have and to hold to him the said Munjoy his heirs, executors, administrators and assigns from us our heirs, executors and administrators firmly by these presents, and also from any other person or persons whatever claiming any right, title or interest thereunto shall warrant and defend the same and do further hereby engage ourselves and our heirs unto the said Munjoy his heirs and assigns that he and they shall quietly and peaceably enjoy the premises and for the performance hereof Wee have hereunto set our hands and seals this 4th June 1666.

Signed, sealed and delivered
in presence of us.

Mark .

John I Breme
Jane I Cloys
Philip L Lewis

mark

WARRABITTA O Seal.

NUNANICUT N Seal.

No. 8.

Deed from Pres. Danforth to the Trustees of Falmouth; 1684.

This Indenture made the twenty-sixth day of July Anno Domini one thousand six hundred eighty and four and in the thirty-sixth year of the reign of our Sovereign Lord Charles the second by the grace of God of England Scotland France and Ireland, King, defender of the Faith &c.

Between Thomas Danforth Esq. president of his majesty's Province of Maine in New England on the one party, and Capt. Edward Tyng, Capt. Sylvanus Davis, Mr. Walter Gendall, Mr. Thaddeus Clark, Capt. Anthony Brackett, Mr. Dominicus Jordan, Mr. George Bramhall and Mr. Robert Lawrence, trustees on the behalf and for the sole use and benefit of the Inhabitants of the town of Falmouth within the abovenamed Province of Maine on the other party, Witnesseth That whereas the abovenamed Thomas Danforth by the Governor and Company of the Massachusetts Colony in New England the now Lord Proprietors of the abovenamed Province of Maine at a general assembly held at Boston on the eleventh day of May 1681 is fully authorized and empowered to make legal confirmation unto the Inhabitants of the abovesaid Province of Maine of all their lands or properties to them justly appertaining or belonging within the limits or bounds of said Province.

Now, know all men by these presents that the said Thomas Danforth pursuant to the trust in him reposed and power to him given as abovesaid by and on the behalf of the Governor and Company of the Massachusetts Colony aforesaid, hath given granted and confirmed and by these presents doth fully clearly and absolutely give grant and confirm unto the abovenamed Capt. Edward Tyng, Capt. Sylvanus Davis, Mr. Walter Gendall, Mr. Thaddeus Clarke, Capt. Anthony Brackett, Mr. Dominicus Jordan, Mr. George Bramhall and Mr. Robert Law-

Proprietor thereof. And in case of omission or neglect on the part and behalf of the said Inhabitants to make full payment annually in manner as is above exprest, and hath been mutually concerted and agreed unto, it shall then be lawful for the said President of the said Province for the time being or for other the agent or agents assignee or assignees of the Governor and Company of the Massachusetts Colony to levy and make distress upon the estates of any of the Inhabitants for the time being within the limits and bounds of the said township as well for said quit rent as also for all costs and charges accruing and arising upon the same. And the estates so levied and distrainted to bear drive or carry away with so much as it shall cost to convey the same to the treasurer of the Province for the time being or to such place as he shall order and appoint. In witness whereof the parties above named to these present Indentures have interchangeably put their hands and seals the day and year first above written.

Signed sealed and delivered by
 Sylvanus Davis, Walter Gendall,
 Thaddeus Clark, Dominicus Jordan, in presence of us

SYLVANUS DAVIS. (Seal)
 WALTER GENDALL. (Seal)
 THADEUS CLARK. (Seal)
 DOMINICUS JORDAN. (Seal)

John Davis, }
 Josh. Scottow, }

A true copy of the original indented recd. Jan. 1, 1731.

Attest,

JOSEPH MOODY, Reg.

A true copy from the Record of Deeds for the County of York, Book 14, page 227.

WM. FROST, Reg.

No. 9.

Papers relating to George Bramhall.

(No. 1.)

Mr. Georg Bramhall

Sir, Yours I have recd. and according to your order have sent to you pr. Mr. Phillips' Slope as under and hop it will be to * * if thar be any thing omitted order for itt ye next being what is nedfull from your friend.

Boston ye 21 Oct. 1687.

THEODOSIUS MOORE¹.

on bbl	£0 2 06	10 yds blew linnig 3d.	£0 10 10
3 bush salt	0 7 06	10 yds fin whit cloth	0 15 00
2 lb whale bon	0 3 00	2 lbs powd	0 02 08
500 larg bord nayls	0 10 00	6 lbs shot	0 02 00
5 lbs do att	0 04 06	2 oz silk	0 05 00
5 lbs hob nayls	0 2 06	4 yds collord callyon at	} 0 06 08
1 lb cold thread att	0 5 00	20d per yd	
4 doz guisp bottoms	0 1 06	1 1-2 yd cloth to pack	0 01 06

£4 00 02

¹Moore after this time married the widow of Walter Gendall and lived in Marshfield.

If you have any botter or pork be pleased to send me what you can. Yr glass is nott redy yett."

(Superscribed) "For Mr. Georg Bramhall at Caskow with a barll solt and small chest. Per Joseph Pike Caskow Bay."

(Another from the same.)

(No. 2.)

"Mr. Bramhall,

I have sent a parsell of Butter potts to Mr. Bragett¹, if you have occasion for any can send you som or ferkins for butter wh. you pleas, in ye intrem I sopose Capt. Bragett will spar you one or two. If I shall send you any send word by ye next slop and I will send them by Mr. Inglish being all in hast I rest yrs to serve you.

Boston ye 16th July 1688.

THEODOSIUS MOORE."

(No. 3.)

"I underwritten doe Ingage myself my Heyres or Assigns to pay unto Silvanus Davis or his assigns for the acco'pt of Anthony Libbee the soom of twenty shillings and Three pence and other charges about the attachment, eight shillings and sixpence to be paid him in wite oke Barrall stafs or Red oke hh stafs upon demand at hie water mark by the river side in Casco river at fifteen shillings per Thousand as witness my hand this sixth day of March Annoque Domini 1687-8

Witnes

GEORG BRAMHALL.

Peter Bowdoin

John Hollman."

"Charges

Warrant

0 1 0 Sarving warrant and Constable 0 2 0

a man * * itt 1 day

0 1 0 Waighting 3 days and forrig 0 3 6"

(No. 4.)

"Receved of Georg Bremhall upon the accompt of Anthony Lebbee the soom of thirty shillings and three pence being the full Ball. of all accompts betwixt me and said Lebbee, I say received by me in August 1689. SILVANUS DAVIS."

"Falmouth Province of Maine August 1689 Receved of Georg Bremhall for the suppl^r of forte Loyal one quarter of Booll Beef waight seventy tow pouns I say received pr me Silvanus Davis Capt."

(No. 5.)

"Daniel Chambeling acknowledgeth that he hath set an apprentice unto Georg Bramhall of Portsmouth in Piscataway for the terme of 9 years for ye consideration of eyght pounds and 10 shillings in hand paid before the acknowledging hereof, witness my hand this third day of July 1680 before me Roger Kelley Commissioner.

Daniel Chammerin sone of
the mark of

Arone X Savaghe."

¹Brackett.

